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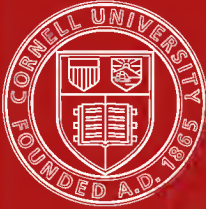
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GEORGE F. HOAR.

BY EDWARD E. HALE.

THE PRESIDENT of the Society has asked me to prepare a paper for our records, on what I will call the literary life of Senator Hoar. By this the President and I both mean, some notice, however brief, of his literary and historical interests. Of these he never lost sight even in the darkest gloom of the great political questions of half a century. He says himself in a sentence which is pathetic, "Down to the time when I was admitted to the bar, and, indeed for a year later, my dream and highest ambition were to spend my life as what is called an office lawyer, making deeds, and giving advice in small transactions. I supposed I was absolutely without capacity for public speaking."

So little does a man know himself. So little does a young man forecast his own future. I can remember those days. And I know how sincere this statement of his is. He really thought that he could not speak extemporaneously, and yet I lived to hear him make some of the most quick retorts which were ever listened to in either house of Congress.

He says, "I expected never to be married; perhaps to earn twelve or fifteen hundred dollars a year, which would enable me to have a room of my own in some quiet house and to collect rare books which could be had without much cost."

It was at that early period that I first knew him and from that early period till he died, I may say that we were near friends. I have a certain right, therefore, to speak of the underlying tastes and principles which asserted

themselves in the fifty-five years of life which followed on his entrance at the bar. I remember hearing someone laugh at the advice which he gives to young men who would prepare for public life. Some one had asked what was the best training for a public speaker, and quite unconsciously Mr. Hoar replied that if a young man wanted to be a public speaker he would do well to read the Greek orators in the original language. There is something a little droll in the thought of such advice as given to what the public calls a "rail splitter" or a "Bobbin boy." But he said it perfectly unconsciously. I suppose he was thinking of his own young life and he knew very well that what Mr. Adams calls the Greek fetish is a fetish very easily conciliated. I remember him the first winter he was in Worcester, as preferring to read Plato in the original to going into the pleasant evening society of the town, so that it was with some little difficulty that we youngsters made him take his part in social entertainments. Almost to the day of his death he maintained such early studies, which were, indeed, no longer studies.

By the kindness of Mr. Rockwood Hoar, I have here his unpublished translation of Thucydides. When of late years you called upon him of a sudden at his own home, you were as apt as not to find him standing at his desk and advancing that translation by a few lines, or revising it. Indeed, he revered the masters in whatever line of literature or life. You never met him but he surprised you by some apt quotation, perhaps from somebody you had never heard of, and it seems to me fair to say that the wide range of such reading is to be remembered at once as cause and effect in that sunny cheerfulness, confidence, and courage which everyone has noted who has attempted to give any analysis or discussion of his character.

As I have spoken of the translation of Thucydides, I ought to say that I do not believe he had any thought of publishing it. He did not mean to throw discredit in any

way upon the translations which existed. But rather, he meant, if I may use the phrase, to bind himself to the determination that he would once more read Thucydides and would read him carefully. I do not know,—I wish someone would tell us, who first called Thucydides's history, "the hand book of statesmen." Within intelligible limits, I think, perhaps, Mr. Hoar would have accepted that phrase. In making one more version into English of the great historian, however, he was working to please himself, without any care or thought as to whether his work was or was not a better literary work than Jowett's or Dale's, or any other translator. I like to say this because there was not in him the least of that eagerness to have everything published which is one of the superficial absurdities of our time.

With such tastes and habits he was glad to accept the invitations which he received right and left to address the literary societies of the colleges. A collection of such addresses, many of them elaborate in their detail, would in itself make a very interesting volume of the history of the higher education. I have an address at Amherst on the "Place of the College Graduate in American Life," with the date of 1879. In an address before the Law Class of the Howard University he spoke on "The Opportunity of the Colored Leader." At the anniversary of the Yale Law School he spoke on the "Function of the American Lawyer in the Founding of States."

His addresses at Plymouth on Forefather's Day, his Eulogy on Garfield, delivered in this city, his address on the Two Hundredth Anniversary of Worcester, his address at the dedication of the Public Library in Lincoln, Massachusetts, his address on Robert Burns, his address on Emerson, are to be spoken of as studies of permanent value. When in 1888 the state of Ohio celebrated its own centennial, Mr. Hoar was very properly requested by the authorities in Ohio to deliver the oration as representing the State



of Massachusetts, whose colony under Manassah Cutler founded the City of Marietta. I had the pleasure of hearing that address. To this moment it is a great historical monument of a great occasion.

I have asked the Society to print as a matter of public convenience the titles of the 193 speeches and addresses which are contained in the sixteen volumes in his own library, a list which has been furnished us by the kindness of his son.

Of his papers read before this society, the memory is fresh in the minds of all of us. He loved the society and never forgot its work or its interests; and the broad national views which his life in Washington enabled him to take of the whole country gave him an opportunity to serve us in a thousand ways which were not open to other men.

Every such word of his in education or in history, is an original study and he is sure to go to the foundations. One of the representatives of Massachusetts in speaking of him before the House of Representatives cites the modest phrase of Mr. Webster's, who says that the only genius he was aware of was a genius for hard work, and he applies that phrase to Mr. Hoar. It is a happy statement and it ought to be added that Mr. Hoar's literary work always seems to be spontaneous, or to be amusement or play. In general, the same remark would apply to it all which I have made of his Thucydides. In truth, he loved what we call study, and though no man was more social or welcomed a visitor more cordially, yet from one end of the year to another he would have been happy if he were alone with his books.

We remember here how often he gave dignity, and even solemnity, to our proceedings by his careful references to the work of the English divines. Our friend, Dr. Merri- man, at our last meeting reminded us in the careful study which he made of Jeremy Taylor, of one of Mr. Hoar's suggestions. There is a very pathetic anecdote of a sacred

pilgrimage which he and Mrs. Hoar made to the parsonage of the poet Herbert. And if I have a right to say it, I will say, that no man among us had a more careful knowledge of the Puritan leaders in the seventeenth century, or of the really devout scholars in the Church of England in the next century. In the very last interview I had with him, he recalled some verses of Dr. Watt's which are omitted in most of our hymn books. This might have happened with a superficial reader, but when with his own care he repeated the words, you could not but remember that from Milton to Montgomery he was familiar with all the sacred poets of English literature.

One instance out of a hundred will serve to illustrate the course of his life. In the year 1882, with his life in Washington full of the public duties of a hundred acquaintances which pressed upon a leading member of Congress, his attention was arrested by Mr. Dwight's report of Steven's index on the Franklin Papers. I happen to speak of this detail because I was in Washington at the moment when that report was brought before the Library Committee. Mr. Hoar acquainted himself with every detail of the curious history of those papers and explained them before the Joint Library Committee of which he was a member. He compelled the attention of leading members to the subject, he followed it from day to day,—I might say, from hour to hour; and eventually secured the grant which was necessary for the purchase of the papers, which now make a possession so valuable to the Library of Congress. I have a thousand times had occasion to use those papers and I never do so without thinking of the man who could stop in what are called larger interests to see that such a detail was attended to.

No one visits the ancient University of William and Mary at Williamsburg without observing the reverence and affection with which the gentlemen there speak of his friendship to their college. In the Civil War the Peninsula of Vir-



ginia, as John Smith calls it, was almost of course the scene of the most critical military operation. Rightly or wrongly, I do not pretend to know, the army of the North destroyed the principal building of the University. It was natural that after the return of peace, the friends of William and Mary College should think that they had a rightful claim on the government different from that of most of the sufferers by the rough hand of war. Who should present that claim before the country? The Philistines of whatever type would not have thought that this young anti-slavery member from Massachusetts, whose public life had begun and continued because he hated the institution of slavery, whose own father and sister had been turned out of Charleston by the authorities by a genteel mob in that city, that he should have been the person to be the champion of William and Mary College, and should compel, so to speak, the government to restore to it the property which it had destroyed. But Mr. Hoar undertook that special service in face of the difficulties which seemed insoluble. Separate claims for separate losses in a struggle for four years were looked upon rightly with dissatisfaction, not to say intolerance. All the same he meant that this claim should be listened to and if I may use our vernacular, he "put it through." It was ~~just~~ because it was just,— it must be acceded to.

When in this city, we heard the distinguished senator from Virginia, Mr. Daniels, pronounce his admirable eulogy upon his long-time comrade in the Senate, we had a good opportunity to see how great is the worth of manhood in public life. A great leader of men said to me in 1904 in the Senate Chamber, that I should find very little politics in the Senate. He meant that man with man, the Senators of the country are linked together by ties much closer and more dear than those which are made by the mere mechanics of superficial politics.

When Mr. Hoar graduated at Cambridge his Commencement part was a review of Daniel Boon's life. The subject

itself showed the direction which his thought and study had already given to his life. And as one reviews the extraordinary range of his public writings, accurate as they are and profound at once, one understands the interest which the whole country took in him. Our associate, Mr. Paine, has made a collection of nearly five thousand memorial publications which have expressed the sorrow of a nation for his death and its gratitude for his life. I am not sure, but I believe, that if we had asked him which enterprise of his long life gave him the most pleasure in recollection,—I do not mean for its intrinsic importance, but for the dramatic associations of the whole event,—he would have said it was the recovery of Bradford's manuscript by the state of Massachusetts from its hiding place in London. When he was talking with the Bishop of London about this precious document, the Bishop said that he had never understood what was the value which belonged to it.

“Why,” said Mr. Hoar, “if there were in existence in England a history of King Alfred's reign for thirty years, written by his own hand, it would not be more precious in the eyes of Englishmen than this manuscript is to us.”

After this appeal, which quite surprised Dr. Temple, the endless difficulties of English law and custom were all overcome successively; and on an august occasion, the 26th of May, 1897, the General Court of Massachusetts received the precious volume at the hands of Mr. Bayard, the first American Ambassador in London, on his return from his duty there. Governor Walcott received the book to become henceforth the property of the Commonwealth, and Mr. Hoar made one of his most interesting addresses as he followed along its history. The Commonwealth thus owes to him this most precious memorial of its birth, and, as I say, I think he would have said, that no act of his had given him more pleasure than the effort which was crowned that day. Indeed, the history and principles of the founders of

New England and of their successors were woven in with all his life, nor have we ever had a scholar who devoted to them such unremitting interest or who had more reason to be proud of his personal connection with the fathers.

In reviewing Mr. Hoar's life, as a friend of education, of literature, and of history, or in general of scholarship, it is interesting to remember that the first President of Harvard College, whom the college herself had educated, was his ancestor, Leonard Hoar. He had had the advantage of English and American training both, and was loved and honored in the old country which still seemed home to half the colonists. The general Court, in their grant to the College, was accustomed every year to make the grant on condition that Dr. Hoar be the man chosen for the vacant President's place. "A scholar and a Christian, a man of talent and of great moral worth."

I have been told that in his physical aspect Senator Hoar reminded men of the pictures and busts of his distinguished grandfather, Roger Sherman. He had respect, amounting to veneration as well as love, for Sherman, and in one very instructive paper he showed with great pride from the journals of the Constitutional Convention what was the masterly honor of Sherman in leading the way in each of its most critical decisions.

The Senator was by no means a Dry-as-Dust annalist. He comprehended thoroughly the principles and determinations of the fathers; and in all his study or in all his work, he showed his determination that those principles should be carried out without fear or hesitation. He studied the history of the past with no idolatry of ancient method or monument, but always looked forward to the future with a determination that the eternal principles of the reign of God should be central in the government of the years which are before us.

I am fortunate in being able to read to you a sonnet which his friend, Dr. Rawnsley, sent me after he received,

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in his happy home at Keswick, the tidings of Mr. Hoar's death. I remember that the Senator when he introduced me to Dr. Rawnsley called him the first living poet in England.

At this October meeting of ours in Worcester, for a generation at least, the members of the society will remember the cordial welcome which the Council and every member always received at his happy home. One recalls with gratitude that great principle of history which in early life he announced so well himself. "At bottom the reason men form governments, and the object for which government is to be sustained is that men may live in happy homes." Whoever speaks or writes of the charm, itself indescribable, in this well-balanced life, remembers the cordial and complete sympathy of his wife, and that affectionate, and even ingenious coöperation of her life with his which showed itself whether in the detail of daily ministry or in constant inspiration;—sympathy and coöperation such as women only are able to conceive.

SENATOR HOAR

IN MEMORIAM

You of the spirit fresh with May-flower dew,
 A Pilgrim Father faithful to the end,
 Stout-hearted foe and truest-hearted friend,
 Who never trimmed your sail to winds that blew
 With breath of popular favour, but foreknew
 Storm followed sun, and knowing, did depend
 On One behind all storm high aid to lend,
 And from Heaven's fount alone your wisdom drew!
 Farewell! in these illiterate later days
 We ill can spare the good gray head that wore
 The honour of a nation, Fare thee well.
 When Justice weary of men's warlike ways
 And Freedom gains Love's height, they there shall spell
 Your name in golden letters, Senator Hoar.

H. D. RAWNSLEY.

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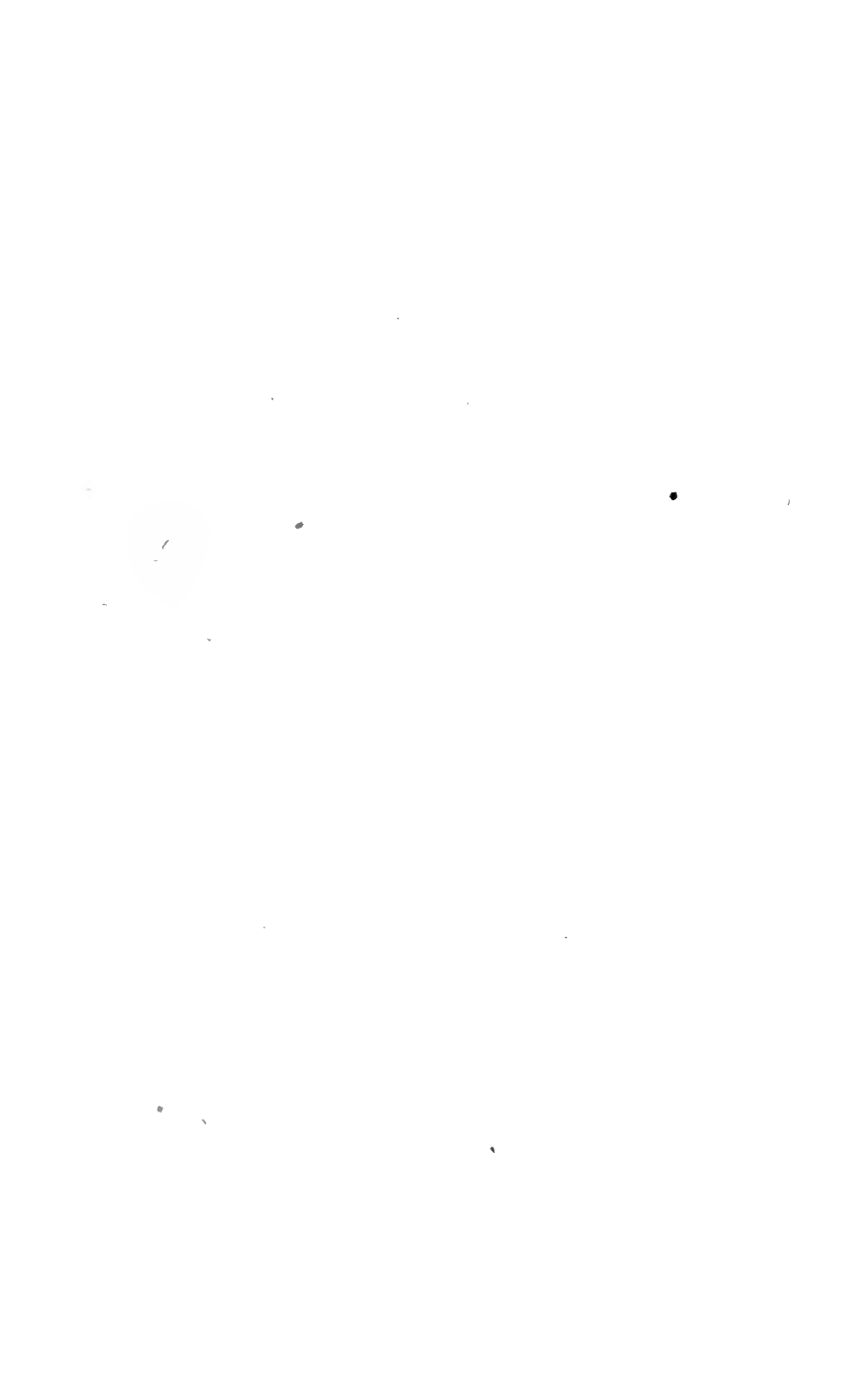
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- Election of Senators by Direct Vote of the People. Speech, Tuesday, March 11, 1902.
- An Attempt to Subjugate a People Striving for Freedom, Not the American Soldier, Responsible for Cruelties in the Philippine Islands. Speech in the Senate, May 22, 1902.
- The Connecticut Compromise. Address before the American Antiquarian Society, October 21, 1902.
- Banquet of the New England Society of Pennsylvania, Philadelphia. Speech, December 22, 1902.
- A Regulation of Trusts and Corporations Engaged in Interstate Commerce. Speech in the Senate, January 16, 1903.
- Birthday of Washington, Exercises in Commemoration of the. Address at the Union League Club, Chicago, February 23, 1903. Also speech at the post prandial exercises in the evening.
- Inauguration of President Carroll D. Wright, Clark University, Worcester, Mass. Address, October 9, 1902.
- Emerson Centenary. Address at the Memorial Exercises in the Meeting House of the First Parish in Concord, Mass., on Monday afternoon, May the 25th, 1903.
- Answer to Carl Schurz's Brooklyn Address of August 5, 1884.
- Jeremiah Everts Greene. Address before American Antiquarian Society, February, 1903.
- First Parish in Concord, Dedication of the Restored Meeting House of the. Thursday, October 3, 1901. Address.
- Brig.-General Rufus Putnam. Article in Wisdom, October, 1902.
- Peabody Education Fund. Proceedings of the Trustees at their Forty-first Meeting in New York, October 1, 1902. Report of Hon. George F. Hoar for the Committee on the legal aspect of the Nashville Property.
- Horace Gray, Memoir. Reprinted from the Proceedings of the Massachusetts Historical Society, Second Series, Volume XVIII, pages 155-187.

- Panama Canal. Speech in the United States Senate, Monday, February 22, 1904.
- The First Schoolhouse in Worcester and John Adams, Schoolmaster. Address at the unveiling of the tablet upon the site of the schoolhouse, May 23, 1903.
- John Bellows. Memorial Sketch in Proceedings of the American Antiquarian Society, October 21, 1903.
- Thomas Jefferson. Address delivered at the Banquet of the Thomas Jefferson Memorial Association, Hotel Barton, Washington, D. C., April 13, 1903.
- American Citizenship. Address delivered at the Forty-third Annual Commencement of the State University of Iowa, June 17, 1903.
- Horace Gray, In Memoriam. Saturday, December 13, 1902.
- Character of Washington. His last public utterance, June 17, 1904.

Senator Hoar delivered an extended address upon Rufus Putnam at Sutton, Putnam's birthplace, in the early summer, in May or early June, repeating substantially his earlier Putnam address. A little later, before the Court, he delivered a eulogy upon his friend Col. E. B. Stoddard. Neither of these addresses were printed.

The Place of the College Graduate in American Life.

ADDRESS

DELIVERED BEFORE THE

Social Union at Amherst College,

By GEORGE F. HOAR.

WORCESTER:

PRINTED BY TYLER & SEAGRAVE.

1879.

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JULY 2, 1879.

By GEORGE F. HOAR.

WORCESTER :

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ADDRESS.

I AM afraid that in accepting your invitation I have consulted my own pleasure rather than yours. I do not think you can know how unspeakably grateful to a man jaded with the care and work of public life, are expressions of good will that come to him from a company of scholars. You can hardly conceive how delightful the opportunity to change the scene by a visit to a famous college on the days of its high festival. It is like being a guest in some stately baronial hall, rich with association and tradition, from which have issued forth, and shall again, in each generation, brave knights, wise statesmen, illustrious scholars; whose walls are hung with portraits of famous wits to whom it has been native or hospitable; its cabinets rich with the contributions of science; its libraries stored with rare manuscripts and priceless editions; with its stories of royal visits, and its chambers where illustrious children were born, or illustrious guests have slept.

It is touching and pleasant to see how the men who have won the great honors and prizes of the most civilized nations, have valued the good-will of

their colleges. Canning, in one of his most famous speeches near the end of his brilliant career, claimed the sympathy of the House of Commons on account of the sacrifice he had made to his conscientious conviction in favor of Catholic emancipation. Said he :—

“From the earliest dawn of my public life—aye, from the first vision of youthful ambition—that ambition has been directed to one object above all others. Before that object all others vanished into comparative insignificance; it was desirable to me beyond all the blandishments of power, beyond all the rewards and favors of the crown. That object was to represent the university in which I was educated. I had a fair chance of accomplishing this object when the Catholic question crossed my way. I was warned—fairly and kindly warned—that my adoption of that cause would blast my prospect. I adhered to the Catholic cause and blasted all my long-cherished hopes and expectations. Never to this hour have I stated, either in public or private, the extent of this irretrievable sacrifice; but I have felt it not the less deeply. It is past and I shall speak of it no more.”

There are men from whom the great intellect, the public service, the marvellous eloquence of Webster, cannot extort forgiveness for the political errors of his later life. But it is hard to find a lover of a New England college who does not surrender at discretion when he reads the two stories,—the one related by Mr. Webster in his autobiography, of the occasion when his father first intimated his intention of sending him to college: “I remember that I was quite overcome and my head grew dizzy. The thing appeared to me so high, and the expense and sacrifice it was to cost my father so great, I could only press his hand and shed tears;”—the other, of that

scene in the room of the Supreme Court of the United States, where, as he concluded the argument that made safe the endowment of every college in America, the few broken words of tenderness for his Alma Mater, bursting from the heart of the strong man, melted bench and bar and audience to tears.

Visiting Oxford eleven years ago, I made the acquaintance of Mr. Cox, the accomplished librarian of the Bodleian. He had found, a few days before, in some crypt, where it had lain for two hundred years, a letter written by Lord Clarendon just after he had landed at Calais, a hopeless exile, on his last flight from the country to which he was never again to return. I have procured a copy, which you may like to hear. The great orator, statesman, historian, lawyer, judge,—counselor, companion and ancestor of monarchs,—flying for his life, in his old age, into a foreign land, from the court, of which, for a generation, he had been the ornament and head, soon as his feet touch a place of safety, thinks of his university. See the noble heart through the simple and stately rhetoric:—

“ *Good Mr. Vice-Chancellor:—*

Having found it necessary to transport myself out of England, and not knowing when it will please God that I shall returne againe, it becomes me to take care that the university may not be without the service of a person better able to be of use to them than I am like to be, and I doe therefore hereby surrender the office of Chancellor into the hands of the said university, to the end that they may make choyce of some other person better qualified to assist and protect them, than I am. I am sure he can never be more affectionate to it. I desire you as the last suite I am likely to make to you, to believe that I doe not fly my country for guilt, and how pas-

sionately soever I am pursued, that I have not done anything to make the university ashamed of me, or to repent the good opinion they had once of me, and though I must have no further mention in your publique devotions, (which I have always exceedingly valued,) I hope I shall be always remembered in your private prayers, as

Good Mr. Vice-chancellor.

Your affectionate servant,

CLARENDON.

Calais, this 7-17 Dec., 1667.

As compared with the universities of the old world, or even with some of our own, Amherst is but a young college. But she already is in the foremost rank. She has made her ample contribution to science, to literature, to professional and public life. Into whatever paths your feet may go, you can cherish no manlier sentiment than to love

“ This glorious lady with the eyes of light,
And laurels clustering round her lofty brow ;”

—like Canning, to deem her approbation the highest honor and prize of life ;—like Webster, to bring your best powers, if need be, to her service and defence ;—like Clarendon, in misfortune and sorrow, to find comfort in the thought that you have done nothing to make her ashamed of you.

It is certainly a hopeful sign, or rather an emphatic proof of the great regard in which a college training is held, that we celebrate with so much interest the days on which classes of young scholars take their place in the life of the country. Every new state, as it comes into the great family, hastens to establish its university. Men who have enjoyed, men who have been denied these advantages in

their own youth, vie with each other in liberal benefaction. The voluntary gifts made by private citizens to universities and colleges, estimating only those large enough to be mentioned in the newspapers, and only those which came in that way to the notice of the bureau of education, amounted in 1872 to more than \$8,000,000, and in 1873, the last year before the great depression of business, to \$11,226,977. The number of young men who receive the degrees of our colleges, not including the professional schools, is a little more than thirty six hundred annually.

I am therefore brought naturally and almost inevitably to this topic—THE PLACE OF THE COLLEGE GRADUATE IN AMERICAN LIFE.

I might well hesitate, coming from other studies, to deal with a subject which has been the theme of so many abler speakers, and which must have filled so large a space in the instructions of this place. What I have to say is simple and fragmentary. But upon a matter so vital, every suggestion may have its value. It will be something, even to make commonplaces more commonplace; something, out of the experience of life, to add the testimony of a man of the world to the axioms, the truisms, which you have heard from the college pulpit or the professor's chair.

The longer I live, and the more carefully I study the influences which affect the political action or determine the history of this people, the more I am impressed with the need of the constant reiteration

of a few very old and very simple truths. Every child that is born needs to learn for himself to walk, and to talk, and to understand the meaning of common words. Every new citizen, whether he grow into this freedom from infancy, or come from abroad, or come out of slavery, is to learn for himself the simple duties of citizenship. The teacher of the people, and the teacher of the teachers of the people, have first and chiefest of all to teach these plain lessons.

All our constitutions are based upon the theory that the people are to be educated. The influence of the college graduate in the republic may therefore be said to be after all, differing in degree only, so far as this theory is carried out,—the influence of the citizen in the republic. But he ought at least to be the best educated man in the republic. His active life begins with attainments which come to others, if they come at all, painfully and late. Even when others tread the same paths, it is expected of him—

“ἀίεν ἀριστεύειν καὶ ὑπειρόχων ἐμμέναι ἄλλῳν.”

I understand the training of the college graduate to differ from that of other citizens in this: In the common school, and the technical or professional school, the principal purpose is to acquire knowledge—something that the pupil is to know and use;—moral and intellectual training is but an incident. The college makes discipline its principal end, and the mere acquisition of knowledge is secondary. A trained intellect, a cultivated taste, a quickened and

elevated sense of honor and moral and religious responsibility—these are the results at which it aims. I do not mean to be understood that the capacity for discerning truth can be developed, without, in the process, acquiring useful truths, or that the taste for what is beautiful in literature, or art, or conduct, is likely to be highly cultivated without gaining the valuable gift of creating or describing such things, which is the function of the orator, or the artist, or the poet. But it is strength, and not weapons, that the college chiefly undertakes to supply. The head of our neighboring university, whose wide range of elective studies has been viewed with some apprehension, still recognizes and admits this truth when he well says: “The worthy fruit of academic culture is an open mind, trained to careful thinking, instructed in the methods of philosophic investigation, acquainted in a general way with the accumulated thoughts of past generations, and penetrated with humility.” But all this is matter of definition, more or less exact. We know what a college is, and what a college graduate should be. The possessor of a college degree is entitled everywhere to write after his name—*generosus*—gentleman. He is, as a rule, to belong to a learned profession. He expects to win his bread, and to make his way in life by some occupation which is to be the work of his brain, and not by manual labor.

For a thousand years the country gentleman has been the backbone of England. In every neighborhood, the lord of the manor has dwelt in his ances-

tral hall, and under his stately trees, which have descended in his name from eldest son to eldest son. As in all cases of inherited dignities, what are the personal qualities of the individual depends upon accident. Sometimes he has been brought up as the companion of grooms and gamekeepers. Sometimes he has been the best scholar at the great school or the university. Sometimes he is a Squire Western, half ruffian and half boor ; sometimes modest, wise, brave, affectionate, like John Hampden or John Winthrop. But neither he nor his neighbors forget that he is a member of a proud and powerful aristocracy. He is never without the sense that,—

“ In his halls is hung
Armory of the invincible knights of old,”

or without the desire that his descendants shall maintain his place when he is gone, and that the England, the invincible England, of which he and his fathers have been the type, shall endure. The author of “ The Great Governing Families of England ” says:—

“ Seymours or Percies, Russells or Herberts, expect to be great next century as now, plan for the next century as well as this, reckon immediate advantage light when compared with the great objects, the permanent grandeur and power which they desire England to hold, because with the greatness of England, their own is indissolubly bound up. It is the element of resistance, the breeze in the brick, the hair in the mortar, the fibre in the wood, the bone in the body, which they contribute to our social fabric, the quality of permanence which they add to our institutions ”

He has had in old times many a struggle with king and clergy, and in late years his conservative opin-

ions have two or three times had to yield to the manufacturing and trading classes. But the power comes back to his hands. The strifes of English politics are still but contests for his favor. He has for a thousand years held his own in England, and under his lead, with the qualities and temper he has impressed on her, England has held her own, and a great deal that is not her own, in the deadliest fields of battle. Napoleon said on the night after Waterloo, "*Ça a toujours fini de même depuis Crécy.*" "It has always turned out the same way since Cressy."

. Now, my young friend, compare the place to which the English gentleman comes but by the accident of birth, with that which you may take, simply at the price of deserving it, in our mighty national life. You may win this place which the English gentleman inherits. Your manor shall be large in exact proportion to your own personal size. You do not need inherited acres, dependent tenantry, or a people bred for fifty generations to the worship of rank. These would be to you nothing but weights. Instead of these things the college enables you to begin life with the qualities which I have described. You have a scholar's capacity for the discernment of truth from falsehood, a scholar's power to make this clear to other men, a scholar's refined taste manifesting itself in conduct and character which so attracts and wins your neighbors to you that they are inclined to accept what you esteem and love, because you esteem and love it. Above all, every man within your influence knows you for a man of absolute in-

tegrity. It was well said by an early American author, now too much neglected, that:—

“There is no virtue without a characteristic beauty. To do what is right argues superior taste as well as morals; and those whose practice is evil, feel an inferiority of intellectual power and enjoyment, even where they take no concern for a principle. Doing well has something more in it than the mere fulfilling of a duty. It is a cause of a just sense of elevation of character; it clears and strengthens the spirits; it gives higher reaches of thought. The world is sensible of these truths, let it act as it may. It is not because of his integrity alone that it relies on an honest man; but it has more confidence in his judgment and wise conduct, in the long run, than in the schemes of those of greater intellect, who go at large without any landmarks of principle. So that virtue seems of a double nature, and to stand oftentimes in the place of what we call talent.”

The safest property in this country is the knowledge of a profession. It is said that of those persons who engage in trade, nearly ninety-five per cent fail in the course of their lives. Stocks and bonds shrink in value and become worthless. Lands and houses may be weighed down by the burden of taxes. The fire may consume, or the thief break in and steal, the most carefully guarded wealth. But the capacity for a learned profession, once bestowed in that burglar-proof, fire-proof, portable safe, your brain, is secure against every chance which does not destroy life or health. John Quincy Adams advises his son not to engage in political life until he has a secured independence. What independence so secure as the mastery of one of the professions which must ever be a necessity to civilized man. Wherever men live together in society, however rude, however refined, the need of humanity

will demand the clergyman, the advocate, and the physician.

I am not undertaking to set forth the dignity of either profession, what are the qualifications for it, or the kind of education it demands. I am only pointing out the natural influence its members may exert over the intellect and conscience of the people. The man whose function is to expound the law of duty, the hope of immortality, the relation of human beings to their Creator; the man whose function is to interpret human law and human justice in their authority over property and liberty and life; the man who knows and applies the science of which the human body is the domain, and the preservation of life and health the end;—these men would seem to command the approaches to the ear and favor of the people. This power is wholly moral. The submission to it is wholly voluntary. It is honorable alike to him who wields it and to him who obeys it. It consists only in the capacity to influence other men by appeals to reason and conscience, and by the force of an upright example.

Behold then our college graduate thus equipped, with trained intellectual powers, cultivated taste, character commanding the respect of men; in the words of Burke, “Educated in science, in erudition, in taste, in honor, in generosity, in humanity, in every liberal sentiment and every liberal accomplishment,”—his profession an endowment of competence and independence; stimulated by great traditions, great opportunities, and great hopes; plant-

ed at the approaches which command the favor of the people. What shall this man do for the State? Surely he cannot mean to disdain the leadership which is ready to his hand. Surely he will not content himself with getting a living, or aim only at the gratification of ambitions which are personal and selfish. He will be conspicuous for a generous public spirit. He is an ever-burning lamp. His biography will be written in the institutions of the community that surrounds him. Here a library will owe its foundation to his efforts. There generations of children will reap the benefit of his labors for a school. Some political tempest of passion and folly has passed over the land. Some human Lucifer—or rather some bringer of darkness and not light—has banded together all that is evil in the state in the service of an unhallowed ambition. There is a spot which the scourge does not seem to have visited. It is the town where this man lives,—or the neighborhood where men have looked to him as a guide :—

“ His strength is as the strength of ten,
Because his heart is pure.”

There are few things more noticeable about this vast machine of ours which we call our country than its sensitiveness to the individual touch. How many men can you reckon whose education has been exactly your education, whose opportunity was exactly your opportunity, who have begun as you begin, whose brave and devoted lives have affected sensibly and permanently the well being of the whole country.

“The true marshaling of the degrees of sovereign honor,” says Lord Bacon, “are these. In the first place are *conditores imperiorum*, founders of states and commonwealths, such as were Romulus, Cyrus, Cæsar, Ottoman, Ismael.” It is, and will be for generations to come, the peculiar good fortune of this country, that while it has so many of the advantages of an old civilization, this process of founding new communities is perpetually going on. They are springing into life without number, even in the oldest states. The successful manufacturer builds his new village. The inventor of a new mechanism, of a platform scale, or a machine for wicker work, creates a town. At the bidding of the genius of manufacture, cities grow like the palace of Aladdin. Each of these has its own separate life, I had almost said, its own separate immortality. I do not wish to seem to exaggerate, but I can scarcely overstate either the extent or the permanence of the influence on one of these plastic and impressible societies of a single honest and manly life. What is going on in our own neighborhood takes place on a gigantic and imperial scale in the vast spaces of the West. The region drained by the Mississippi and its navigable affluents, extending to New Mexico on the southwest and Colorado on the west, and so on to the northwest where Lewis and Clark’s pass in Idaho opens a gateway in the Rocky mountains, a distance of thirteen hundred miles from northeast to southwest, and more than sixteen hundred from southeast to northwest, making nearly two million

square miles of territory, and nine thousand miles of navigable waters, is occupied by states still in their infancy, or by vacant spaces which still wait the habitation of man. Passing the Rocky mountains, you enter the region scarcely inhabited, scarcely explored, consisting of western Idaho and Washington territories, extending six hundred miles from east to west, and three hundred from north to south,—one hundred and eighty thousand square miles. This territory lies on the future pathway of commerce from Europe and the Atlantic to China and Japan. Southward of this is the region now divided by Arizona, Utah, southern Idaho and the young states of California, Oregon, Nevada and Colorado, making more than seven hundred thousand square miles, rich with mineral wealth, and capable of feeding and clothing the entire population of Europe. The present crop of wheat raised in this country may be multiplied fifty fold. Not more than three per cent of our cotton land has ever been under cultivation. We have within our limits, a greater stock of coal than all other countries combined. “We have,” says Dr. Elder, “a sea-coast so deeply indented, and a lake and river system dissecting the mass so thoroughly, that a domain only one-sixth less than the area of the fifty-nine or sixty empires, states, and republics of Europe, and of equal extent with the Roman empire at its largest, is cut for the purpose of internal and external commerce, into twenty islands of the size of Great Britain.” This territory, so adapted in situation, in climate,

and in resources, for the abode of the great, powerful, and free people for which it waits, is not without its appropriate ornaments. Rivers that are lakes, lakes that are seas, cataracts like Niagara, or Trenton, or the great falls of the Yellowstone, or the cascades which lend a more than Alpine beauty to the mountains to which they give their name, vast mountain ranges which lift their imperial foreheads to the sun, (Prof. Eliot states that in one chain near the Yellowstone, he counts more than a hundred peaks that are above eleven thousand feet in height, and eight or ten that will reach twelve or thirteen thousand), forests that began their mighty growth ages before the cedars of Lebanon were in the seed, ravines like Yosemite,—all these God revealed when he

“Uncovered the land
That he hid of old time in the West,
As the sculptor uncovers the statue,
When he has wrought his best.”

If Lord Bacon award his foremost place in the degrees of sovereign honor to such founders as were Romulus, Cyrus, Cæsar, Ottoman, Ismael—if he who brings a new state into life, even as an asylum for a clan of banditti, or a restless nomadic tribe, or builds an empire on the ruins of his country's liberties, shall have any honorable rank—what place shall be his who helps to lay in Christian liberty and law, the foundations of an American state? His work, we fondly hope, will be permanent as it is honorable.

What a promise of perpetual life in this marvelous organism of state and nation. Every new state

brings to the entire national life of which it is a part, the fresh and healthful blood of youth. Englishmen like to compare England to an oak, which strikes its roots deep into the ground, and spreads its branches far into the air, and stands for century after century as a shelter for those who gather beneath its shade. But the oak has but a single life, limited by the inexorable law of growth and of decay. A single lightning stroke may shatter its trunk, or a single hurricane tear up its roots. But America may find her type in that wonderful Asiatic tree whose boughs as they extend from the parent trunk, bend over till they touch the earth and strike new root, getting fresher sap and lustier life for the original tree with each added stem, till a whole forest with a thousand trunks grows up, blended in a single but complex organism:—

“ Branching so broad and long, that in the ground
 The bended twigs take root, and daughters grow
 About the mother tree, a pillared shade
 High over arched, and echoing walks between.”

So every new state, first planted from the great parent national trunk, strikes down into the soil. The tree our fathers set covered at first but a little space by the sea-side. It has planted its banyan branches in the ground, it has spread along lake and gulf, over mountain and river, and prairie and plain, till its hardy growth shelters the frozen regions of the far northwest, and its boughs hang over the Pacific, and in good time it will send its roots beneath the waves, and receive under its vast canopy the islands of the sea.

To the leadership which I claim as the function of the college graduate, the holding of public office is by no means essential. More and more, with the diffusion of education and with new communication by steam and telegraph, increases the controlling force of that public opinion of which act of Congress and even judicial decision are but the records. Every morning, New York, Boston, Maine, Oregon, San Francisco, Charleston read the same history on which, every evening, they exchange judgments. This mighty weather bureau of press and telegraph gathers up the signs and portents of the time, from which statute and veto can, with great certainty, be predicted. High public office may oftentimes, though not so often as is commonly supposed, be acquired and retained by unworthy men, and by unworthy means; but a permanent leadership of public opinion—a life-seat in that exalted assembly which, without visible session, ever legislates, and without army or navy, marshal or posse, ever executes its decree—can only be maintained by that combination of sound judgment, unselfish integrity, and absolute sincerity and strength, which make up what we call *character*.

Let no man think that I am advocating what is called by way of reproach, a principle of aristocracy. When I maintain that that man is fitted to be the leader of the people who seeks only and simply their good; whose leadership is conferred by their free consent; whose only instrumentality to gain or to hold power is an appeal to their reason and con-

science; who gains their ear by the passport of his own spotless life; and who is fitted for their service by the highest training of the intellectual and moral faculties which they have been able to contrive and to provide, I consider that I am paying to the people themselves the highest possible tribute of reverence and honor. I am but asserting in another form the doctrine of the great Italian philosopher, "that doctrine of liberty, consolatory and full of joy,—how much wiser and more constant are the people than the prince."

The spirit of the scholar is a democratic spirit. The throne of our men of letters, of Bryant and Longfellow, and Whittier and Lowell, is in the popular heart. The welcome given to Agassiz in America was a popular welcome. The ranks of our graduates and professional men are supplied from the same sources which supply the other occupations of the community. They come from the same household. Some accident determined the course of one toward the college, and another toward the shop, or farm, or factory. Your education, after all, is but an advantage in starting, which it will require constant exertion to maintain. The men who make up the bulk of the population of our northern states, who sit on juries, who hold town offices, who carry on farms, who perform skilled labor in shops, who practice the great variety of occupation by which men get a secure and comfortable livelihood, have, as a rule, by no means neglected their own early opportunity in the common school or failed to

profit by press and lecture-room in later life. They desire what is honest and wise. They understand their own interest and that of the state, and in spite of the rude and dangerous forces which are at work in our society, will maintain our national life in freedom and in honor. Whoso seeks to persuade them to follow his lead addresses a tribunal well qualified to sit in judgment on his claim, and well knowing how to supply themselves with leadership, if he should prove unfit.

Let me occupy a few moments in pointing out some of the conditions on which this leadership can be exercised. We have the right to expect that the man whom the public have given the training of the scholar, shall bring to the formation of opinions on questions which concern the public, a scholar's thoroughness of investigation. In urging the need of the scholar in politics, we do not mean that a man should leave the study of Latin and Greek, in which he is a scholar, to express his opinions on politics, in which he is no scholar. We have a right to expect of him that he will not express crude and shallow judgments as to contemporary men and events, of which he would be ashamed if they related to events of two thousand years ago. He must strive especially to study and understand the character of the people to which he belongs. John Hancock declared, at the inauguration of President Willard of Harvard, that that college "was, in some sense, the parent and nurse of the late happy revolution in this commonwealth." If this were true in

any sense, it was because her graduates of that day were profound students of this science. John Adams said of his illustrious kinsman, the greatest popular leader that ever lived in New England, "He has the most thorough understanding of the principles of liberty and her resources in the temper and character of the people."

He must avoid an ignorant and unreasoning fastidiousness in his judgment of other men with whom he is called to act. Let him set up for himself the highest possible standard of duty and conduct. Let him insist that no unrighteousness or injustice stain any action for which his country or his party or himself is responsible. But let him remember in judging of the character and motives of his associates, that the republic in which a majority must govern, is not likely soon to be governed by a majority of men without faults. There are few sayings or doings recorded of George III. which deserve honorable remembrance. But his saying to Lord Sidmouth, "Give me the man who judges one human being with severity and every other with indulgence," deserves to be written in letters of gold. In saying this I am not uttering an empty moral commonplace. I am warning you against a rock on which the public usefulness of many an accomplished citizen has been wrecked. In looking back over the political history of this commonwealth since I came to manhood, I recall a goodly number of men, some who are dead, some who are living, eloquent orators, learned lawyers, fitted by character

and by opinion to be leaders of the people, whose names will be absent from the honorable roll of those who fought in the great civil battle for the freedom of a race. They could not stand by the side of Garrison because of his bitter invectives, or of Wilson because of his political management, or of Sumner because of some fault of taste or temper, and so they gathered up the skirts of their garments about them, and the people watched and waited for their counsel in vain. Mr. Choate wrote in 1855 to his friend at Caraccas:—"Your estate is gracious that keeps you out of our politics. Anything more low, obscene, feculent, the manifold oceanic heavings of history have not cast up. We shall come to the worship of onions, cats, and things vermiculate." And this within six years of the heroic days of 1861.

I spoke in the outset of the education at college as an education not merely of the intellect, but of the moral and religious nature. The leadership to which you must aspire is one to which such an education calls and fits you. The destiny of these plastic political societies is to be determined, not by their laws, but by the sentiments, principles, and opinions of the men of whom they consist. Every nation has behind its constitution, behind its form of government, some sentiment or opinion upon which it rests. Sir Andrew Mitchell, the famous English diplomatist, relates that Frederic the Great, at a review of sixty thousand men in Pomerania, asked the old Prince D'Anhalt, what in the scene

before them he admired the most. "Sire," he replied, "I admire the fine appearance of the men." Frederick replied, "what most excites my astonishment is, that you and I, my dear cousin, should be in the midst of such an army as this in perfect safety. Here are sixty thousand men, who are all irreconcilable enemies to both you and myself; not one among them that is not a man of more strength and better armed than either of us, yet they all tremble at our presence." Behind the whole strength of the monarchy, behind the supporting aristocracy, and the bulwark of army and nobility, was a power mighty enough to snap all these like straws, but kept in check by the vague but all pervading sense of the divine right of the king. The little semi-madman, semi-prophet, kept Europe in a fever of fear and rage, made half the families in his dominion desolate and poor, compelled every young man in Prussia to sacrifice to the king's ambition, the love of life, of comfort, and of home, and died at last seventy-five years old, in his bed. The French people endured for centuries even worse burdens. It was not till the educated men of France had eradicated from the popular mind with their religious belief the worship of the divinity that doth hedge a king, that the French revolution became possible. It is the peculiarity of this country, that the principles or sentiments upon which it rests, have been asserted in the most solemn and authoritative form in the act which gave it life.

The Declaration of Independence declared our national unity. It was one nation and not thirteen,

—“one people to whom it became necessary to dissolve the political bonds which had connected them with another, and to assume their separate and equal station among the powers of the earth.” It was as representatives of the United States of America, that the Congress declared the separation from England.—No American state except Texas ever had a ^{separate} national life. It was as United States that they were declared free and independent by an instrument, in which no one of the individual states is even named. The same instrument which declared the national existence and unity of this people, asserted as a limitation upon the powers of sovereignty, that government has no authority to do anything against right. The British argument was stated by Dr. Johnson, its ablest advocate, in his celebrated tract “Taxation, no Tyranny.” He says:—

“All government is ultimately and essentially absolute, but subordinate societies may have more immunities, or individuals greater liberty, as the operations of government are differently conducted. An English individual, may by the supreme authority be deprived of liberty, for reasons of which that authority is the only judge. In sovereignty there are no gradations. There may be limited royalty, there may be limited consulships, but there can be no limited government. There must in every society be some power or other from which there is no appeal, which admits no restrictions, which pervades the whole mass of the community, regulates and adjusts all subordination, enacts laws or repeals them, erects or annuls judicatures, extends or contracts privileges, exempt itself from question or control, and bounded only by physical necessity.”

This pamphlet of Dr. Johnson, published in 1775, is entitled “An Answer to the Resolution and Ad-

dress of the American Congress." With this doctrine of the British government, the American Congress joined issue by the declaration that the powers which governments derive from the consent of the governed are *just* powers; and by the claim of their newly constituted governments to do only those "acts and things which independent states may of right do." They further declare that it is the right of the people, in instituting a new government, not only to "organize its powers in such form," but "to lay its foundation in such principles as to them shall seem most likely to effect their safety and happiness." The declaration is prefaced by a summary of these principles, not as in the English charters and bill of rights, grants from the government to the people, but as lying at the foundation of governments, and as of higher and prior authority to government itself. In the constitutions framed for the states in which that largest and most important portion of sovereignty required for local self-government is deposited, the same doctrine with greater particularity and fullness of detail is asserted. The constitution of Virginia adopted one day before the Declaration of Independence was reported, is preceded by what is entitled in the instrument, "A declaration of rights made by the representatives of the good people of Virginia; which rights do pertain to them and their posterity *as the basis and foundation of government.*" In that declaration the people of Virginia say, "that no free government, or the blessings of liberty can be preserv-

ed to any people, but by frequent recurrence to fundamental principles." This sentiment was copied by John Adams into the constitution of Massachusetts of 1780.

I have not time and it would be foreign to the purpose of this discourse to enter upon a vindication of the logical correctness of the proposition laid down in the opening of the Declaration of Independence, and in the bills of rights embraced in our early constitutions. The criticism was made by Mazzini, and I think repeated by Bismark, that they were assertions of rights and not of duties. But these critics consider the form rather than the substance. Though in form a statement of rights, the Declaration of Independence has always been appealed to as a statement of duties. The appeals which have been made to it in our political history, have been to remind the citizens of their duties to other men, and not what they should claim for themselves. These declarations were the expressions of the profoundest convictions of the most religious people on earth at the most religious period of their history. By them they meant to lay the foundations of their government in the moral law. They were no empty declamation. They rang them and sounded them, and tried them and tested them, and made them links in the great chain on which they hung their nation, like the chain fastened by Jove to the highest summit of Olympus by which heaven and earth might hang secure.

I have recited this history to remind you that as sons of a New England college, you are the lineal

successors of the men who wrought out this service to mankind. The great thinkers of the revolutionary age, with few exceptions, were either college graduates, or received the instructions of the college at second-hand from clergymen at whose knees they were trained. John Adams writes to Samuel Adams in 1790, "Your Boston town meetings and our Harvard college have set the universe in motion." I have already cited John Hancock to the same effect. Yale, and William and Mary, and Princeton, may justly make a like claim. The discussions of theology and of the principles of religious liberty and duty, fitted the people for the kindred discussion of political principles. Mr. Ticknor says that one of the most practically wise statesmen then alive, often told him that we never should have had our Revolution, if all the people had not been for a century in the habit of discussing the Westminster Assembly's catechism. If the training of the college fitted your predecessors to be the leaders and guides of the people in founding their nation on fundamental principles of right and duty, surely the colleges of our day are degenerate if they do not fit their graduates to take a lead in that frequent recurrence to those principles which our fathers enjoin upon us as the indispensable condition on which the life of the nation can endure. Never more than to-day was this constant recurrence necessary.

The habit is growing in many influential quarters of deriding what are called sentimental politics. The men who decry sentiment in politics, that is,

the application of the moral law to public conduct, are commonly quite as sentimental as anybody. It is only a question of the kind of sentiment to which they think proper to appeal. The men who sneer at the sentiment of justice, with its simple corollary of equal right, at the sentiments of honor, good faith, disinterestedness, as practical forces in the conduct of government, are quite ready to make and to respond to appeals to the sentiments of hatred, of revenge, of envy, of covetousness, or of personal ambition.

The difficult problems in our national politics at this hour, will nearly all of them be solved if the people will adhere to rules of conduct imposed as restraints in the early constitutions. The sublimity of the principle of self-government does not consist wholly or chiefly in the idea that self is the person who governs, but quite as much in the doctrine that self is the person who is governed. How our race troubles would disappear if the dominant Saxon would but obey, in his treatment of the weaker races, the authority of the fundamental laws on which his own institutions rest! The problem of to-day is not how to convert the heathen from heathenism, it is how to convert the Christian from heathenism; not to teach the physician to heal the patient, but to heal himself. The Indian problem is not chiefly how to teach the Indian to be less savage in his treatment of the Saxon, but the Saxon to be less savage in his treatment of the Indian. The Chinese problem is not how to keep Chinese

laborers out of California, but how to keep Chinese policies out of Congress. The negro question will be settled when the education of the white man is complete.

The Declaration of Independence, beginning with its assertion of the natural freedom and equality which pertain to all men as a birth-right, and its denial of the title of any government to exist in conflict with these rights, ends with the statement that the nation which it then called into life was to do, in its separate and equal station among the nations of the earth, only those things which such states may of *right* do. The Massachusetts bill of rights, beginning with the same assertion of freedom and equality, terminates its comprehensive summary of the maxims of administration essential to the preservation of popular liberty by setting forth "the end that it may be a government of laws and not of men."

Upon these principles as corner-stones our fathers builded their state. What function more exalted for the educated men of the country than to keep alive in the hearts of the people reverence for these great and simple principles of liberty and duty—to defend them with all the powers of reason and argument, to adorn them with all the resources of eloquence and scholarship, to make the people familiar with their history, and with the miracles of peace, of prosperity, of comfort, and happiness they have already wrought for mankind.

The noblest and most fortunate nations, the noblest and happiest men, are those of simple be-

liefs. Wordsworth, the profoundest of English political philosophers, as he is, since Milton, the wisest and greatest of English poets, tells us, speaking of the Swiss republic:—

“ A few strong instincts and a few plain rules,
 Among the herdsmen of the Alps, have wrought
 More for mankind in many a trying hour,
 Than all the pride of intellect and thought.”

These few strong instincts and these few plain rules—*virtus ac fides Helvetiorum*—have kept Switzerland safe for five hundred years in her mountain fastnesses. The few plain rules our fathers framed will be enough for us. Let not their authority be undermined by the indifference or the evil example of our educated men. If they think, like Cicero's patrician, that whatever happen to the republic, their fish-ponds will be safe; or fancy that in defiance of the prohibition of the sixth article of the bill of rights, they can obtain advantages or particular and exclusive privileges distinct from those of the community, or contrive unlawful paths to wealth without adherence to those principles of justice, moderation, industry, and frugality which the eighteenth article enjoins, they will discover their mistake and meet their terrible retribution when the workingman strives to relieve the hardship of his lot by imitating their example. Kearney's constitution never could have found favor with the farmers of California, to whom its adoption was due, but for the previous management of railroad and banking corporations, for which educated New England capitalists are not without large responsibility.

This is the empire to which you are invited. This is the leadership to which you may aspire. To this the teachings of this place fit and summon you. To this the honorable example of your predecessors incites you. *Non potest stare respublica freta veteranis, sine magno subsidio juventutis.* No greater opportunity surely was ever vouchsafed to man. It is a task which may well stimulate you by its difficulties and invite you by its rewards. The last thirty years have brought new elements into our body politic. Our fathers builded their state with that English race whom the wisdom of a thousand years had ripened. It is for your generation to make the restraints of constitutional liberty acceptable to races to whom law has for ages appeared only as tyranny, and liberty been known only in her excesses. Your fathers dealt with men made docile to the teachings of political duty by their simple religious creed. You have to deal with a generation whose audacious skepticism questions the foundations of all faith, and whose positive philosophy declares the belief in God himself "a dissolving dream of the past." But the few strong instincts to which you need to appeal are planted in the heart of universal humanity, and the few plain rules you need to apply are enough for every exigency of the state.

Devoted to this patriotic service, you will reconcile and blend the Grecian idea of the state as a being compared with which all individual existence is valueless and subordinate, and the Christian idea of the state as but an instrument for the welfare of

an immortal and spiritual life. One of the greatest, perhaps the greatest, of the living scientific men of England, in his address at Belfast, as he ended his masterly survey of the domain of science, sought to inspire his auditors by affirming that the topics which he had scarcely touched would be handled by the loftiest intellects when speaker and auditors, "like streaks of morning cloud, shall have melted away into the infinite azure of the past." Rather let me speak in the spirit of the teachings of this place. Your lives, so devoted to patriotism and duty, will bear fruit in that mighty national existence, compared with which the longest human life is but as the pulsation of an artery. More than this: they will return to you their satisfactions and rewards even when that national existence is over, if the power which dismisses a star on its pathway through the skies, promising that in a thousand years it shall return again, true to its hour, and keeps his word, keepeth the promise he hath made to the conscious soul of man,

"and that, which lived
True life, live on."



of Geo F Hoar
THE FUNCTION OF THE AMERICAN LAWYER IN THE
FOUNDING OF STATES:

AN ADDRESS

DELIVERED BEFORE THE GRADUATING CLASSES

AT THE

FIFTY-SEVENTH ANNIVERSARY

OF THE

YALE LAW SCHOOL

ON

June 28th, 1881,

BY THE

HON. GEORGE F. HOAR, LL.D.

NEW HAVEN

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PREFATORY NOTE.

THE YALE LAW SCHOOL was organized, as a separate Department of Yale College, in 1824, but its system of instruction and administration has been essentially changed during the last twelve years.

The course of study has been extended to four years; the first two years being devoted to the regular undergraduate course for the degree of LL.B., and the last two—the graduate course—being optional, and open to graduates of any law school on conditions indicated in the Annual Circular.

The Faculty consists of the President of the University and six Professors, as follows:

NOAH PORTER, D.D., LL.D., *President.*

FRANCIS WAYLAND, LL.D., *Dean, and Professor of Mercantile Law and Evidence.*

WILLIAM C. ROBINSON, LL.D., *Professor of Elementary Law, Criminal Law, and Real Property.*

SIMEON E. BALDWIN, M.A., *Professor of Constitutional Law, Contracts, and Wills.*

JOHNSON T. PLATT, M.A., *Professor of Equity Jurisprudence, and Torts.*

WILLIAM K. TOWNSEND, D.C.L., *Professor of Pleading.*

THEODORE S. WOOLSEY, LL.B., *Professor of International Law.*

There are also the following Special Lecturers and Instructors:

IN THE UNDERGRADUATE COURSE.

LEONARD BACON, D.D., LL.D., *Ecclesiastical Law.*

ORIGEN S. SEYMOUR, LL.D., *Judicial Procedure and Practice.*

MARK BAILEY, M.A., *Forensic Elocution.*

FREDERIC H. BETTS, M.A., *Patent Law.*

IN THE GRADUATE COURSE.

PROF. ALBERT S. WHEELER, M.A., *Roman Law.*

PROF. WILLIAM H. BREWER, M.A., *Relations of Physical Geography to Political History.*

PROF. ARTHUR M. WHEELER, B.A., *English Constitutional History.*

PROF. WILLIAM G. SUMNER, B.A., *Political and Social Science.*

PROF. HENRY W. FARNAM, M.A., R.P.D., *Political Economy.*

To those pursuing successfully the studies of the third year, the degree of M.L. is given, and to those who complete the entire graduate course with honor, the degree of D.C.L.

The graduate course was first instituted in 1876. It has been attended by graduates of five law schools: those of Chicago, Columbia, University of Maryland, University of the City of New York, and Yale. The *curriculum* for the first year is particularly designed to supplement that of the undergraduate course by affording further instruction in the branches there pursued; that of the second year is designed to meet the wants of those who aim at acquiring a thorough acquaintance with jurisprudence and its affiliated studies, as a means of complet-

ing their education, without confining themselves to such topics as are of the first necessity to the practicing lawyer.

The arrangement of the course is as follows :

FIRST YEAR (third of the whole course).

ADMIRALTY LAW, AND PATENTS, Prof. Robinson.

PRACTICE IN THE U. S. COURTS, RAILROAD LAW, AND AMERICAN CONSTITUTIONAL HISTORY, Prof. Baldwin.

MUNICIPAL CORPORATIONS, AND PRACTICE IN STATES HAVING A CODE OF CIVIL PROCEDURE, Prof. Platt.

POLITICAL HISTORY AND SCIENCE, Prof. Sumner.

ENGLISH CONSTITUTIONAL HISTORY, Prof. A. M. Wheeler, (optional).

INTERNATIONAL LAW, Prof. Woolsey.

POLITICAL ECONOMY, Prof. Farnam.

SECOND YEAR (fourth of the whole course).

PARLIAMENTARY LAW, HISTORY OF THE LAW OF REAL PROPERTY, AND CANON LAW, Prof. Robinson.

COMPARATIVE JURISPRUDENCE, AND CONFLICT OF LAWS, Prof. Baldwin.

GENERAL JURISPRUDENCE, Prof. Platt.

ROMAN LAW, Prof. A. S. Wheeler.

RELATIONS OF PHYSICAL GEOGRAPHY TO POLITICAL HISTORY, Prof. Brewer.

POLITICAL AND SOCIAL SCIENCE, Prof. Sumner.

Among the principal text-books used are Parsons on Shipping and Admiralty, Curtis on Patents, Desty's Federal Procedure, Pierce on American Railroad Law, Austin on Jurisprudence, Dillon on Municipal Corporations, Pomeroy's Remedies and Remedial Rights, the Commentaries of Gaius, Institutes of Justinian, selected titles of the Pandects, the *Code Napoleon*, Cushing's Parliamentary Law, and Wharton on Private International Law.

The number of the daily exercises in the undergraduate course has also been greatly increased since 1875, and several new studies introduced. Among the latter are those of Private Corporations, Estates of Deceased Persons, Code Pleading, and the Elements of General Jurisprudence.

The library of the School contains all the American, English, Irish, and Canadian reports, with a large collection of statutes, digests, treatises, and works of reference, constituting with a single exception the best library of any American Law School. The reading room connected with the library also contains the principal English and American Law Periodicals and Newspapers.

The apartments occupied by the school are under the same roof with the court-rooms of New Haven County, in which are held the Courts of Common Pleas, the Superior Court, both civil and criminal, and the Supreme Court of Errors. As one or more of these courts is in daily session during the entire academical year, the opportunity afforded to the students for observing practice is unrivalled and constitutes a most important advantage of this School.

An alumni-record will be published in 1882, giving the present addresses of all the alumni of this department, with a brief description of their subsequent careers. All graduates of the School are therefore requested to communicate at once to the Dean, or to the librarian, Dr. J. A. Robinson. New Haven, their addresses as well as the other particulars above requested.

A D D R E S S

OF

HON. GEORGE F. HOAR, LL.D.



I do not construe the invitation with which you have honored me as indicating your expectation that I should, even for an hour, usurp the functions of any of the eminent scholars to whom the youth of this University look for guidance in their professional studies. But it is fitting, as each class of young men passes the portals of the Law School to inscribe their names on our rolls, that some elder should welcome them to the great brotherhood of the profession, to their share in its historic glories, to its opportunities for labor, for intellectual and moral growth, for honorable public service. *Non potest stare respublica freta veteranis, sine magno subsidio juventutis.*

It is a proof of the growth in America of that love of sound learning which is the ornament of the State, and that love of country which is its strength, that we celebrate every year, more and more, these commencement seasons in which classes of young scholars come to take their place in the life of the Republic, and the topic of the day is, almost always, how they can best perform that duty of citizenship to which their education pledges them. Almost every address, on these occasions, deals with the graduate's relation to the State. I wish to invite your attention to a few disconnected and quite frag-

mentary thoughts upon a theme which recalls one of the chief titles of our profession to public gratitude, and to which the conditions of American life give a present practical interest. My subject is—The function of the American lawyer in the founding of States.

If we seem to anybody engaged in any other avocation to claim too much, either of dignity, or of capacity for public service, for the profession which we love, let him remember that we do it for no selfish or ignoble purpose. We would excite in the young lawyer a just pride in his calling, solely as an incentive to usefulness to the State. If any other class of men think we occupy their ground, let them show their title, and we will not stand in their way. The high places of service are not crowded. We will leave ample room and verge enough for all the good their capacity can accomplish, or their hearts can desire. No lawyer who, in these later centuries, has filled conspicuous public station in America, or England, or France, has inherited it from ancestors, or has bought it with money, or has been promoted to it without having his quality tried, in the face of day and before the people, in strenuous contests in an arena where the wrestlers need all their strength, and where the mental and moral muscle is thoroughly tested.

There is nothing in history so attractive and romantic as the founding of a State. There is nothing so pregnant with great results as the founding of a Republic. The scholarly imagination of Bacon delighted in the myths which surround the infancy of the classic commonwealths. He was cotemporary with Raleigh, and Winthrop, and Carver. He says: "Plantations are amongst ancient, primitive, and heroical works;" and in his degrees of sovereign honor, he awards the chief places thus:

"The true marshalling of the degrees of sovereign honor are these: In the first place are *Conditores*—founders of States. In the second place are *Legislatores*—lawgivers, which are sometimes called second-founders, or *Perpetui Principes*, because they govern by their ordinances after they are gone."

Below the *Conditores*, and below the givers of perpetual laws who are the second founders, he ranks in order the *Liberatores*, to whom States owe their freedom from foreign

or domestic tyrants, and the Propagatores and Propugnatores Imperii, such as in honorable wars enlarge their territories, or make noble defense against invaders. Last of the five he places the Patres patriæ,—the good administrators, “which reign justly and make the times good wherein they live.”

The founders of a political community, especially the founders of a republic, are not they who select the site which it occupies, or who lead the men who compose it in the beginning from their old habitation. A nation, a State, even a city or town very soon becomes in our conception a moral being. Its friends and its children love it. Its enemies hate it. It is the object of respect and gratitude. It preserves its identity through generations. I suppose there are men in this audience whose blood would fly to their cheeks at the charge that some little town on the New England coast or in the forest had committed an act of dishonor two hundred years ago, as if the imputation were upon one of their own kindred to-day. Especially do we hold that the great and unfailing laws of moral retribution apply to it. The Greek orator, Isocrates, in his oration *περὶ ἐιρηνῆς*, says:—

ἄνθρωπος μὲν γὰρ ἀσεβῆς καὶ πονηρὸς τυχὸν ἂν φθάσειε τελευτήσας πρὶν δοῦναι δίκην τῶν ἡμαρτημένων· αἰδὲ πόλεις διὰ τὴν ἀθανάσιαν ὑπαμένονσι καὶ τὰς παρὰ τῶν ἀνθρώπων καὶ τὰς τῶν θεῶν τιμωρίας.

“An impious and evil man may get off if he chance to die before he has paid the penalty for his crimes; but the immortality of a State leaves it no escape from the vengeance of men or of the Gods.”

And so our wisest of modern poets—

What is a State? The wise behold in her
A creature born of time, that keeps her eye
Fixed on the statutes of Eternity,
To which her judgments reverently defer.
Speaking through Law's dispassionate voice the State
Endues her conscience with external life
And being, to preclude or quell the strife
Of individual will.

It is interesting to see how early the distinguishing characters of communities develop themselves and how long they endure. This is true, to a wonderful degree, of our American States. Mr. Bancroft says, speaking of the middle of the eighteenth century:—“The Colonies had, each of them, a

direction of its own, and a character of its own." These distinctions are still clearly manifest, in spite of the thousand influences that mingle our social and political life, not only between States that have been slave and free, between old States and new, commercial and manufacturing and agricultural, but between States that lie side by side, of common origin, similar pursuits, and similar laws. Rhode Island, held in the hollow of the hand of Massachusetts; Connecticut, so placed that one would think it would become a province of New York; Delaware, whose chief city is but twenty-five miles from Philadelphia, yet preserve their distinctive characteristics as if they were States of the continent of Europe whose people speak different languages.

There is a time, commonly a very early time in the growth of a Commonwealth, just as there is a period in the youth of a man, when it takes on the qualities which determine its destiny. With this, climate and soil, and race and religion, and inherited qualities, and inherited laws and institutions have, of course, much to do, just as the analogous influences have much to do with the character of the child. It is, of course, impossible to trace all these influences, or to award to each its due share of the result. But there are two or three observations that are quite obvious and familiar. The history of a people depends upon its character. A national existence is nothing but an exponent of a national mind. A few of those half unconscious beliefs which we call instincts, a few fundamental rules of conduct, a few sentiments concerning the true idea of the State and the relation and duty to it of the citizen, determine its course along the paths of greatness and wealth and glory, or of weakness and poverty and disgrace.

The American continent held forth for uncounted ages the same opportunities to the Indian, who has not even saved his own annals from oblivion, that it does to you. The shores of the same Mediterranean sea are inhabited to-day by the same races or by races not inferior to those who held them in the days of Alexander, or Pericles, or Hannibal, or Scipio, or Constantine.

Climate and soil have much to do with character, but they do not create it. Race has much to do with it, but it does not create it.

When this character is once formed it becomes hard to change. Successive generations, while they are influenced by external causes, by new accessions of population, by the growth of wealth and luxury, are influenced also, and still more strongly, by what they inherit from their ancestors, by the lessons of their own history, by the principles of public conduct on which their fundamental laws are based.

In so far as a State is self-governing, the men who early in its history determine the fundamental principles on which it governs itself are its true founders.

Dr. Lieber, one of the wisest and most thoughtful of modern writers on the philosophy of history, says—"Arnold Winkelried's carcass, mangled and trodden down, became the cornerstone of the Helvetic Republic." Dr. Lieber was right. It was not a mere heroic example of courage and self-sacrifice, such as can be found by scores in Grecian or Roman story. The time and the occasion and the historic event have made Arnold Winkelried to the young Swiss for five hundred years the type and example of his race. To be a Swiss is, to his aspiration, and according to his ideal, and to the measure of his opportunity, to be a Winkelried. It was the *virtus ac fides Helvetiorum* that gathered into its breast at Sempach the sheaf of fatal Austrian spears.

So in the civil conduct of States. The sentiments and opinions that are established by their early generations, whether they be those sentiments and opinions that are behind constitutions and statutes, like the doctrine of the divine right of kings that played so important a part in mediæval history, or whether they are affirmed in conjunction with some great historic action like our Declaration of Independence, or are embodied in written unchangeable fundamental laws, like Magna Charta or the Bills of Rights in our early constitutions, are the most potent forces in determining their history. Mr. Stubbs declares that the whole of the Constitutional history of England is little more than a commentary on Magna Charta. It was the first great public act of the English nation after it had recognized its own identity. Of course, these things are not the creation of individuals. They are a growth, as the live oak that makes the ship's knees and the cedar of Maine and Georgia pine that make her ribs

have slowly added ring to ring for many a summer and winter. But the shipwright that chooses them and puts them in place is none the less the builder of the ship. In many a scholar's study, and many a statesman's brain, and many a yeoman's sturdy sense, both in old England and New, was wrought out the idea of the rights of men and the objects of government which are expressed in the brief opening sentences of the Declaration of Independence. But none the less is the placing them as the corner-stone in the foundation of our Republic, making them, as Hamilton declared, "the fundamental constitution of every State," the one foremost action of human history.

First in rank, then, among our American *conditores*, let us place the men who have affirmed the principles that lie at the foundation of our political life at such a time and under such circumstances that they have become the governing laws that the State and the people obey in their public conduct.

Next in rank to these, should be placed the framers of the mechanism of our Constitutions and the early statutes like the judiciary act and the acts establishing the systems of finance and currency and regulating the descent and distribution of estates. These correspond to Lord Bacon's "second founders."

Third, should come the early expounders of the Constitution upon whom its practical working and accepted meaning so largely depend.

Let us see what is the place of our profession in each of these classes.

We must admit that for the first two or three generations after the settlement of the country, we had no great lawyers. Mr. Webster in his Plymouth oration, names the principal men who were living in Massachusetts or had recently died at the close of her first century. The list might well create a smile at its poverty. Except that of Leverett, it contains no name that deserves the remembrance of posterity. It contains the name of no lawyer. Dr. Palfrey says of Connecticut, speaking of the close of the eighteenth century:—

"Of professional lawyers there is perhaps no trace to be found in the public records of these times, except so far as they should fall under the censure of the statute which, along with rioters, scolds, keepers and frequenters of houses of ill-fame, night-walkers and drunkards, and such like evil doers, provides that

'common barrators, which frequently move, stir up, and maintain suits of law in courts or quarrels and parts in the country' shall give security for their good behavior, or by any Assistaunt be sent to the common gaol."

Neither of the judges appointed to the Superior Court in Massachusetts under the charter of William and Mary, was a lawyer. The first Chief Justice who had a professional training was Paul Dudley, appointed in 1745. Winthrop and Bellingham were bred to the bar, but were not eminent as lawyers. It was our great good fortune that our ancestors did not bring with them that professional attachment to English law which men who had practiced it at home would have entertained. A century's experience of the needs of their new States preceded the growth of a body of men learned in the law. Lord Bacon's objection to the civil law that it was not framed for the countries who were governed by it, would have been doubly applicable to the laws of England, if they had been introduced here in all their detail at once.

The settlers of New England came to establish a religious Commonwealth. They brought with them the love of civil freedom, an attachment to so much of the English law as protected the rights of the subject, as was founded in the principles and constituted the securities of English liberty, and a strong repugnance to so much of it, of feudal and ecclesiastical origin, as established the authority of lords spiritual and temporal. The profound wisdom and foresight of John Winthrop are never more conspicuously displayed than in the reason he gives in his journal, for the repeated evasions by the magistrates of Massachusetts of the popular demand for a code of laws.

"9th. mo., 1639. The people had long desired a body of laws, and thought their condition very unsafe while so much power rested in the discretion of the magistrates. Divers attempts have been made at former courts, and the matter referred to some of the magistrates and some of the elders; but still it came to no effect, for, being committed to the care of many, whatsoever was done by some was still disliked or neglected by others. And at last it was referred to Mr. Cotton and Mr. Nathaniel Ward, &c., and each of them framed a model, which were presented to this General Court, and by them committed to the Governor and Deputy, and some others, to consider of and so prepare it for the Court in the third month next. Two great reasons there were which caused most of the magistrates and some of the elders not to be very forward in this matter. One was want of sufficient experience of the nature and disposition of the people, considered with the condition of the country and other circumstances which made them

conceive that such laws would be fittest for us which should arise *pro re nata* upon occasions, &c.; and so the laws of England and other States grew, and therefore the fundamental laws of England are called customs, *consuetudines*.

2d. For that it would professedly transgress the limits of our charter, which provide we shall make no laws repugnant to the laws of England, and that we were assured we must do. But to raise up laws by practice and custom had been no transgression, as in our church discipliue, and in matters of marriage, to make a law that marriages shall not be solemnized by ministers is repugnant to the laws of England; but to bring it to a custom by practice for the magistrates to perform it is no law made repugnant, &c."

For a hundred and twenty years after the landing at Plymouth, such controversies as the church and neighborhood could not compose, were decided by tribunals unlearned in the law. But in the half-century which followed, the young giants outgrew a condition for which such justice as might be dispensed by a bench of Justices of the Peace, with the advice of the ministers in grave cases, would suffice. The French wars taught them to respect themselves, and mankind to respect them as a military power. Commerce, extending wherever winds blow and waters roll, must be governed only by laws whose authority is as extensive as itself. Populous towns cannot grow up and real estate become valuable, without the necessity for a complex system of law and a body of able and learned lawyers. The time was at hand when the question how much of natural liberty or of English liberty their fathers had brought with them must be discussed and settled. A generation of lawyers sprang up in all the colonies adequate to lead and guide this people to the fulfillment of its sublime destiny. If you will bring to mind the list of the men belonging to the legal profession in this country who were on the stage between 1740 and 1790, you will, I think, agree that it cannot be matched by any other country in any other period of history.

Burke says in his speech of March, 1775 :

"In no country, perhaps, in the world is the law so general a study. The profession itself is numerous and powerful, and in most provinces it takes the lead. The greater number of the Deputies sent to the Congress were lawyers."

In one respect there is a remarkable family likeness in all these men. In reading their lives and works you are struck with the fact how little there is in them of the mere advocate. The serious, searching, conscientious examination and delibera-

tion, not of the counsel seeking to win a cause, but of the builder trying the strength of the foundation on which his massive structure should stand for all time, marks all their utterances. They were the intellectual children, not of Saunders, or even of Coke, but of Somers and Locke. They were the pupils of a race of clergymen, who had taught them to refer all human laws and forms of government to their origin in the statutes of Him "by whom kings reign, and princes decree justice."

From the close of the last French war, the task of the patriot leaders was to arouse the American people to assert their rights, and to convince the people and ruling powers of Great Britain of the justice of their cause. To the mighty debate between liberty and prerogative, the legal profession contributed its full share, on both sides. Most conspicuous among the great State papers of that period, are the address to the people of Great Britain in 1774, of which a lawyer, John Jay, was the author, and the answer of the Massachusetts Assembly in 1773, to the address of Gov. Hutchinson, asserting the power of Parliament to legislate for the colonies, the claim to which is divided between John Adams and his illustrious kinsman of the same name.

But when the argument was over, and the time had come for a new nation, the hand of a lawyer laid its corner-stone on the doctrine of eternal justice, and its simple corollary the equality of natural rights, inscribed on it the affirmation that the failure to secure these was just cause for its overthrow, and defined and limited its power as extending only to such things as free and independent States may of *right* do. Another lawyer was, by the acknowledgment of the author of the Declaration, its colossus on the floor of Congress. "John Adams," said Mr. Jefferson, in the hearing of Mr. Webster, "came out with a power of thought and of expression which moved us from our seats." The people supported the decision of Congress; but it was the decision of Congress which determined the question. Of the fifty-two signers of the Declaration twenty-four were of the legal profession.

I know that in a country, situated as was this before the Revolution, whose people, with few exceptions, must earn

their own livelihood, questions which concern legal rights and the just limitation of legal powers, were likely to be best discussed by a profession who were obliged, from the nature of their employment, to be familiar with such subjects. There was no considerable class of persons, as in England, who had inherited estates which enabled them to devote themselves to political life as an occupation. The conservatism of wealth led the majority of such persons to take the side of the crown. But the more exclusively the burden rested on them, the greater the honor due the profession which sustained it so well.

Coming to the framing and adoption of the Constitution of the United States, the greatness and power of the lawyers of that age are still more conspicuously manifest. The Declaration was in obedience to the irresistible march of events. It affirmed, with matchless clearness and precision, principles which were founded in the nature of things, and which the public understanding had already accepted as self-evident. But the constitution exhibits the highest creative and constructive power of statesmanship, and its adoption was the result of the most skillful leadership.

Thirty out of fifty-five of the members of the convention that framed the Constitution had been practicing lawyers. The minority of laymen contributed little to the formation of the instrument. The great authority of Washington, the president, helped much to secure the adoption of the Constitution by his countrymen. But he took no substantial part in the debates. The wisdom and calmness of the aged Franklin more than once composed strifes which threatened to break up the assembly. But we shall all agree that it is fortunate that his propositions for a single house, for a President and Senators without salary, for an executive council, for a power in the President to suspend the laws, and that votes on money bills should be cast by States in proportion to their contribution, were not inserted in the instrument. Gerry and Mason refused their assent to the whole plan. Let us by no means underrate the value of the silent members in that great deliberative assembly. But it is none the less true that the constructive genius which matured the perfected constitution from the schemes which were originally proposed was that of the lawyers of the body.

Theirs, too, was in largest measure the power of convincing the understanding of the people, and the skilled and difficult leadership which secured its acceptance. If it would be arrogant to say that the *Federalist*, the work of three American lawyers, equals any treatise on Government that ever preceded it, we may at least say that those who are most familiar with what preceded it, admire it most.

It is probably true that the failure to ratify the Constitution by either New York, Virginia, Massachusetts or Connecticut would have been fatal to the whole plan and to the permanence of the Union in any form. It is also probably true that a majority of the Convention in each of those States when it came together was opposed to the scheme. In New York the adverse majority was two to one. Yet Jay and Hamilton and Livingston overcame this majority led by George Clinton, then governor, and Yates and Melancthon Smith. In Virginia the fiery eloquence of Patrick Henry, the great authority of Mason, the shrewd dexterity of Monroe, could not keep together the ranks of her opposition against Marshall and Madison and Wythe. The objections of Connecticut vanished before the reasons of three lawyers, Ellsworth, Sherman and Johnson, to two of whom, with one other, according to Calhoun, the preservation of the just powers of the States in our Constitutional system had been mainly owing.

In Massachusetts, while Samuel Adams and John Hancock gave a hesitating assent the burden of the debate was borne by Fisher Ames, Theophilus Parsons and Rufus King.

I have not time to state in detail the service of the men of our profession in the formation of the early State constitutions, especially the Bills of Rights, those wonderful bulwarks of right and liberty, surer, according to Mr. Webster, than the constitutions themselves. Many things they contain are not original. Many sentences in the Bills of Rights of Virginia and that of Massachusetts can be found in some writer like Sydney or Locke or in some early English statute. But alike in what they selected from the maxims of earlier times, and in what they added that was new, how marvelous was their practical wisdom. These few simple rules have been, in a large degree, the safety of life and property and liberty. They

have stood the test of time. The experience of a hundred years has suggested little to add to them, and nothing to take away.

In the list of the founders of the Republic there are two names each of which is entitled to a special place of honor which it shares with no other. One is Oliver Ellsworth, the great senator of the first Administration, whose genius conceived the simple and admirable mechanism of our national judicial system, as it had already conceived the constitutional mechanism by which the forces of State and nation should forever play in harmony.

“By him was built from the foundation the double height, the high fortress of the wall about the temple. When he put on the robe of honor, when he went up to the holy altar, he made the garment of holiness honorable.” The other is John Marshall, without whose constitutional judgments the new system could not have worked.

The Constitution of the United States is a document of a few pages. It would be an instructive historical study to take the great constitutional judgments of John Marshall in cases where the decisions of State courts were reversed, and where arguments able and hard to answer were made for the losing party, and consider what would have been the course of our history had the decision been otherwise. Reverse *Gibbons v. Ogden*, and commerce would become subject to the varying laws and manifold exactions of thirty-eight States. Reverse *Dartmouth College v. Woodward*, and every institution of learning and charity becomes subject to popular caprice. Reverse *McCulloch v. Maryland*, and the policies which saved the Union become unlawful; the rebellion would have succeeded or been subdued only by revolution.

In Lord Bacon's degrees of honor he ranks next to the founders the *propugnatores* who defend the State in honorable wars. If I am right in claiming the builders of the Constitution as the civil founders of the Republic, I might, if it were within the compass of my discourse, claim, as the *propugnatores reipublicæ*, the champions who have defended law and liberty in the fields of civil contest when in danger. The Bar of a single town, then far less than the present size of New

Haven, has contributed to the defense of public law and constitutional liberty in the hours of their extremest peril James Otis' argument against writs of assistance, Fisher Ames' speech on the British Treaty, and Webster's reply to Hayne. There is a living son of Yale whose rarest good fortune among advocates it has been to argue and to win the three greatest single causes ever brought into judgment—the impeachment of a President of the United States,—the trial before a judicial tribunal of the title to the office of the Presidency,—and the suit where the most powerful monarchy on earth was adjudged delinquent for breach of her duties as a neutral under the law of nations.

I have but recited a few historic commonplaces. So much the more that they are commonplaces do they vindicate the title of our profession to the honor of having performed worthily a function greater than that of the advocate, greater than that of the judge, more difficult than that of the jurist. I would do no injustice to any others—least of all to that king of men, Samuel Adams, who abandoned his brief study of the law as a profession for his only permanent calling, the service of his country, and to whose commanding genius the greatest of his cotemporaries bear willing and abundant homage. I know that the people, greater than any leaders, were never greater than in that generation. But we have the right to affirm for our profession that when in the providence of God the opportunity came to lay, in Christian liberty and law, the foundations of the American Republic, they were equal to the opportunity. They performed that “ancient, primitive and heroidal work” in a manner to the conception of which the genius of Bacon was inadequate.

There is before the American lawyer of to-day and of the near future a kindred duty quite as difficult and quite as stimulant as that which his great predecessors so worthily performed. Within the lifetime of some of you it is probable that twenty new States will be added to the Union from territory much of which is now scarcely inhabited, much of which is now scarcely explored. Even in the oldest States the process of founding new communities is perpetually going on. They are springing into existence without number. The successful

manufacturer builds his new village. The inventor of a new mechanism, of a platform scale, or a machine for wicker-work creates a town. At the bidding of the genius of manufactures cities grow like the palace of Aladdin. Each of these has its own separate life, I had almost said its own separate immortality. Compared with the great period which we proudly hope for our nation's life, the oldest American community in early youth. There are few things more noticeable about this vast machine of ours which we call our country than its sensitiveness to the individual touch. I do not wish to exaggerate, but I can scarcely overstate the extent or the permanence of the influence on one of these plastic and impressible societies of a single honest and manly life. The lawyer, established in such a community, even if he do not win the great prizes of life, if he be upright and faithful, may do much to mould its character for many generations. He is an ever-burning lamp. In the course of my professional life I have often thought I could trace, in the rural towns with which I have been familiar, the influence on their population of able clergymen and lawyers who have lived there generations ago.

But it is not on this that I wish to dwell. I wish to speak of the empire whose foundations we are to lay and by which we are ourselves to be governed. The Atlantic republic has taken its place among great and free nations. With all the blots on its history we may say of its founders that they well understood what may be briefly stated in the words of the greatest orator of antiquity, and the greatest political philosopher of modern times—words which Sir James Mackintosh, in the close of his noble discourse, declares “state the substance the object and the result of all morality, and politics, and law” —“*Hoc verissimum, sine summa justitia rem publicam ger nullo modo posse:*” “Justice is itself the great standing policy of civil society, and any eminent departure from it, under any circumstances, lies under the suspicion of being no policy at all.” What sublime meaning there is in this simple sentence when uttered of a self-governing State, those who best love to dwell on the blots on our history and to talk of the failure of universal suffrage may be led to consider, by recalling Gibbon's judgment that the reigns of the two Antonines

together lasting but forty-eight years, are possibly the only period of history, down to his day, in which the happiness of a great people was the sole object of government. This has been the magnet that has drawn immigration hither. The human stream, hemmed in by banks invisible, but impassable, does not turn toward Mexico, which can feed and clothe a world, or South America, which can feed and clothe a hundred worlds, but seeks only that belt of States where it finds this law in operation.

The Atlantic republic has taken its place. What shall be the republic of which this is but the porch whose other gateway is to be on the Pacific? The conditions of its national life, so far as depends on written constitutional forms, have been settled by the wisdom of our Fathers. Abundant and admirable models render easy the task of framing local governments for new States. But written constitutions and Bills of Rights are worse than valueless if they operate only as restraints upon good men. Whether free States shall be permanent and great depends upon the question whether within their borders justice and law shall be the standing rule. Whether justice and law shall be the standing rule of a free State depends upon the reverence in which they are held by the great body of the people. Whether they are held in reverence by the great body of the people depends upon the method of their administration. The method of their administration must depend upon that profession from whose ranks must be taken the judges who not only declare the law for all private controversies, but keep every other department of government within its proper limits;—that profession without whose powerful aid the judge would be inadequate to his function, and without whose jealous watchfulness the judge himself would become a tyrant.

The founders of the republic of the future have their own difficulties, some of them far greater than any with which our Fathers had to deal. The simple religious faith which led them across the sea, bringing in its train the dutiful spirit of Law and the dutiful spirit of Liberty, made them docile to the teachings of political duty. The new generations are penetrated by that audacious skepticism which questions the foundations of all

faith and a positive philosophy which declares the belief in God himself "a dissolving dream of the past." Our fathers builded their State with that English race which the wisdom of a thousand years had ripened. It is for your generation to make the restraints of constitutional liberty acceptable to jealous races, struggling with each other for mastery, to whom law has, for ages, appeared only as a tyrant, and liberty been known only in her excesses. The impenetrable forest and the almost impassable sea for a long time shielded the early settlers of our eastern coast from the intrusions of any who were not impelled by a faith, a constancy and a poverty equal to their own. The neighborhood of old States exposes the infant community to-day to two great perils—the influx of criminals, and the power of great corporations. The growth of the old States was slow. Its rugged and unproductive soil subjected its inhabitants to the healthful discipline of toil and poverty. These new States have that under their soil which tempts every man to become a gambler.

To all these things you have to oppose sentiments, ideas, rules for self-government, patriotism, law, duty. But of these intangible and impalpable things you can build walls against which the waves of evil should beat themselves in vain.

"Hellgates are powerless phantoms where these build."

What forces are at the command of our young knight. The giant corporation crosses States, crosses continents, with its ways. Its capital exceeds the valuation of great cities. It has its army of able servants. It can put its finger on this or that spot of the earth's surface, upon this or that populous town or village and say to it, "you shall grow or you shall dwindle, wealth, manufactures, trade shall visit or abandon this spot at our will." Let it but lay an unlawful finger upon the poorest widow's shed, and the nearest lawyer can call to her aid a power which will not cease until, if need were, the whole force of the government is exerted, until the army has spent its last man and the navy fired its last gun.

Some of you are to assume the function of advocate, counsellor, magistrate, citizen, in old and settled communities. Such a life, worthily led, will be full of honor and dignity. But a

higher and more beneficent service will be his, who will carry the teachings of this place into the wilderness, and with them lay the foundations of a new State. This task demands a consecration as to a priesthood. Be but recognized by the people as the simple, sincere servant of the Law, uttering her voice and speaking with her authority upon the great things that concern the State, and a free and educated people will not be backward to obey your call.

The profession that will aspire to this honor and this service must pay its price. The lawyer must be known by the people as the officer of Justice, helping the Court to judge the fact and the law, helping the people to keep the paths of Justice and Liberty, and not as "the Swiss, who sells the strength of his arm and the sharpness of his spear to the highest bidder." The accused must be defended, and not prejudged. The Court must be aided in judgment by a collection of the arguments on each side by trained officers selected by each party for himself, who act for each solely in that service. But the moral sense of mankind has rejected Lord Brougham's extravagant and immoral statement of the duty of the advocate. Especially when great public interests are at stake before legislative bodies, or depend on the people's decision, and wealth and power appeal to the lawyer to aid in accomplishing what is wrong, let it be understood that every honest member of the profession has an original and perpetual retainer on the other side.

If you will walk these high paths you must abandon the pursuit of wealth as a principal or considerable object of life. Of course, the lawyer must have his *quiddam honorarium*. He must have his ample library. He must provide for his wife and children a comfortable home, lay up something for old age, and start his children in life with a good education, and the stimulant of his own good example. That is pretty much all. I hope to see our profession everywhere return to its ancient and healthy abhorrence of contingent fees, and everything that savors of speculation in justice. When you are once known to the people, not as masters of the law, but as traders and traffickers seeking your own gain, the virtue has gone out of you. Who would strike from the rolls of our

illustrious brotherhood the men whom I have mentioned, who lived and died poor, and left to their children names far better than riches, and insert all the millionaires whom mankind have forgotten ; or even the great part of the list of Chancellors and Chief Justices whose lives Lord Campbell has written ? Would you not rather inherit or leave behind names worthy to be remembered as among the founders of the jurisprudence of an American State, than a fortune, or a park, or a fish-pond, or a palace, or a picture gallery, or a stud of race-horses ? It has been well said, that it is the saddest of all epitaphs, "the rich man also died, and was buried." To other aspiration has Yale trained her children. "*Ad rempublicam formandum, et ad stabiliendas vires, et sanandum populum, omnis ejus purgebat institutio.*" "To fashioning the Republic, to establishing it in strength, and to making a sane people, tendeth every instruction of hers."

Dec 30 1881.

JAMES ABRAM GARFIELD.

E U L O G Y

BY

GEORGE F. HOAR.

E U L O G Y .

EULOGY

UPON THE LIFE, CHARACTER AND PUBLIC SERVICES OF

JAMES ABRAM GARFIELD,

LATE PRESIDENT OF THE UNITED STATES,

DELIVERED BY

HON. GEORGE F. HOAR,

AT THE

INVITATION OF THE CITY COUNCIL OF THE CITY OF WORCESTER, MASS.

IN MECHANICS HALL,

ON FRIDAY EVENING, DECEMBER 30, 1881.

PRINTED BY ORDER OF THE CITY COUNCIL.

Worcester, Mass.

PRESS OF CHARLES HAMILTON,
No. 311 MAIN STREET.

1882.

CITY OF WORCESTER.

IN CITY COUNCIL, SEPT. 26, 1881.

Ordered, That the Mayor be requested to invite the Hon. GEORGE F. HOAR to deliver a eulogy on the life and services of JAMES ABRAM GARFIELD, before the City Council, at such time as may suit his convenience.

In accordance with the above order an invitation was extended to Mr. HOAR, and the same was accepted by him. A committee of the City Council, consisting of His Honor Mayor Kelley, and Aldermen Marsh, Reed and Goddard; President Shattuck, of the Common Council, and Councilmen Lancaster, McMahan, Booth and Dearborn was appointed to make all necessary arrangements for a meeting at Mechanics Hall, on Friday evening, December 30, to listen to the eulogy.

The following orders were passed, December 31 :—

CITY OF WORCESTER.

IN CITY COUNCIL, DEC. 31, 1881.

Ordered, That the thanks of the City Council be and they are hereby tendered to the Hon. GEORGE F. HOAR, for his able eulogy on the life and services of JAMES ABRAM GARFIELD, delivered before this body, December 30. And it is further

Ordered, That Mr. HOAR be requested to furnish a copy for publication.

EULOGY.

*Mr. Mayor, Gentlemen of the City Council,
and Fellow-Citizens :*

I SHOULD indulge myself in a strange delusion if I hoped to say anything of President Garfield which is not already well known to his countrymen, or to add further honor to a name to which the judgment of the world, with marvellous unanimity, has already assigned its place. The public sorrow and love have found utterance, if not adequate, yet such as speech, and silence, and funeral rite, and stately procession, and prayers, and tears, could give. On the twenty-sixth day of September, the day of the funeral, a common feeling stirred mankind as never before in history. That mysterious law, by which, in a great audience, every emotion is multiplied in each heart by sympathy with every other, laid its spell on universal humanity. At the touch which makes the whole world kin, all barriers of rank, or party, or state, or nation, disappeared. His own Ohio, the State of his birth and of his burial, New England, from whose loins came the sturdy race from which he descended, whose college gave him his education, can claim no pre-eminence in sorrow.

From farthest south comes the voice of mourning for the soldier of the Union. Over fisherman's hut and

frontiersman's cabin is spread a gloom because the White House is desolate. The son of the poor widow is dead, and palace and castle are in tears. As the humble Campbellite disciple is borne to his long home, the music of the requiem fills cathedral arches and the domes of ancient synagogues. On the coffin of the canal boy a queen lays her wreath. As the bier is lifted, word comes beneath the sea that the nations of the earth are rising and bowing their heads. From many climes, in many languages, they join in the solemn service. This is no blind and sudden emotion, gathering and breaking like a wave. It is the mourning of mankind for a great character, already perfectly known and familiar. If there be any persons who fear that religious faith is dying, that science has shaken the hold of the moral law upon the minds of men, let them take comfort in asking themselves if any base or ignoble passion could have so moved mankind. Modern science has called into life these mighty servants, Press and Telegraph, who have created a nerve which joins together all human hearts and pulses simultaneously over the globe. To what conqueror, to what tyrant, to what selfish ambition, to what mere intellectual greatness would it not have refused response? The power in the universe that makes for evil, and the power in the universe that makes for righteousness, measure their forces. A poor, weak fiend shoots off his little bolt, a single human life is stricken down, and a throb of divine love thrills a planet.

Every American State has its own story of the brave

and adventurous spirits who were its early settlers ; the men who build commonwealths, the men of whom commonwealths are builded. The history of the settlement of Massachusetts, of Central New York, and of Ohio, is the history of the Garfield race. They were, to borrow a felicitous phrase, "hungry for the horizon."* They were natural frontiersmen. Of the seven generations born in America, including the president, not one was born in other than a frontiersman's dwelling. Two of them, father and son, came over with Winthrop in 1630. Each of the six generations who dwelt in Massachusetts has left an honorable record, still preserved. Five in succession bore an honorable military title. Some were fighters in the Indian wars. "It is not in Indian wars," Fisher Ames well says, "that heroes are celebrated, but it is there they are formed." At the breaking out of the revolution the male representatives of the family were two young brothers. One, whose name descended to the president, was in arms at Concord Bridge, at sunrise, on the 19th of April. The other, the president's great-grandfather, dwelling thirty miles off, was on his way to the scene of action before noon. When the constitution rejected by Massachusetts in 1778 was proposed, the same ancestor, with his fellow citizens of the little town of Westminster, voted unanimously for the rejection, and put on record their reasons. "It is our opinion that no constitution whatever ought to be established till previously thereto a bill of rights be set forth, and the constitution be framed

*Senator Ingalls.

therefrom, so that the lowest capacity may be able to determine his natural rights, and judge of the equitableness of the constitution thereby."

"And as to the constitution itself, the following appears to us exceptionable, viz., the fifth article," (excepting negroes, mulattoes and Indians from the right to vote) "which deprives a portion of the human race of their natural rights on account of their color, which, in our opinion, no power on earth has a just right to do. It therefore ought to be expunged the constitution."

No religious intolerance descended in the Garfield race. But the creed of this Westminster catechism they seem never to have forgotten.

When the war was over, the same ancestor took his young family and penetrated the forest again. He established his home in Otsego county, in central New York, at the period and amid the scenes made familiar by Cooper, in his delightful tale, *The Pioneers*. Again the generations move westward, in the march of civilization keeping ever in the van, until in 1831 James Garfield was born, in a humble Ohio cabin, where he was left fatherless in his infancy. In a new settlement the wealth of the family is in the right arm of the father. To say that the father, who had himself been left an orphan when he was an infant, left his son fatherless in infancy, is to say that the family was reduced to extremest poverty.

I have not given this narrative as the story of a mean or ignoble lineage. Such men, whether of Puritan, or

Huguenot, or Cavalier stock, have ever been the strength and the security of American States. From such homes came Webster, and Clay, and Lincoln, and Jackson. It is no race of boors that has struck its axes into the forests of this continent. These men knew how to build themselves log houses in the wilderness. They were more skilful still to build constitutions and statutes. Slow, cautious, conservative, sluggish, unready, in ordinary life, their brains move quick and sure as their rifles flash, when great controversies that determine the fate of States are to be decided, when great interests that brook no delay are at stake, and great battles that admit no indecision are to be fought. The trained and disciplined soldiers of England could not anticipate these alert farmers. On the morning of the revolution they were up before the sun. When Washington was to be defended, in 1861, the scholar, or the lawyer, or the man of the city, dropped his book, left his court-house or his counting-room, and found his company of yeomen waiting for him. They are ever greatest in adversity. I would not undervalue the material of which other republics have been built. The polished marbles of Greece and Italy have their own grace. But art or nature contain no more exquisite beauty than the color which this split and unhewn granite takes from the tempest it withstands. There was never a race of men on earth more capable of seeing clearly, of grasping, and of holding fast, the great truths and great principles which are permanent, sure, and safe for the government for the conduct of life,

alike in private and public concerns. If there be, or ever shall be, in this country, a *demos*, fickle, light-minded, easily moved, blind, prejudiced, incapable of permanent adherence to what is great or what is true, whether it come from the effeminacy of wealth, or the skepticism of a sickly and selfish culture, or the poverty and ignorance of great cities, it will find itself powerless in this iron grasp.

Blending with the Saxon stock, young Garfield inherited on the mother's side the qualities of the Huguenots, those gentler but not less brave or less constant Puritans, who, for conscience sake, left their beloved and beautiful France, whose memory will be kept green so long as Maine cherishes Bowdoin College, or Massachusetts Faneuil Hall, or New York the antique virtue of John Jay, or South Carolina her revolutionary history—who gave a lustre and a beauty to every place and thing they touched.

The child of such a race, left fatherless in the wilderness, yet destined to such a glory, was committed by Providence to three great teachers, without either of whom he would not have become fitted for his distinguished career. These teachers were a wise Christian mother, poverty, and the venerable college president, who lived to watch his pupil through the whole of his varied life, to witness his inauguration amid such high hopes, and to lament his death.

To no nobler matron did ever Roman hero trace his origin. Few of the traditions of his Puritan ancestry could have come down to the young orphan. It is said

there were two things with which his mother was specially familiar—the Bible, and the rude ballads of the war of 1812. The child learned the Bible at his mother's knee, and the love of country from his cradle-hymns.

I cannot, within the limits assigned to me, recount every circumstance of special preparation which fitted the young giant for the great and various parts he was to play in the drama of our republican life. It would be but to repeat a story whose pathos and romance are all known by heart to his countrymen; the childhood in the cabin; the struggle with want, almost with famine; the brother proudly bringing his first dollar to buy shoes for the little bare feet; the labor in the forest; the growth of the strong frame and the massive brain; the reading of the first novel; the boy's longing for the sea; the canal boat; the carpenter's shop; the first school; the eager thirst for knowledge; the learning that an obstacle means only a thing to be overcome; the founding of the college at Hiram; the companionship in study of the gifted lady whose eulogy he pronounced; the Campbellite preaching; the ever wise guidance of the mother; the marriage to the bright and beautiful schoolmate; we know them better even than we know the youth of Washington and of Webster.

General Garfield said in 1878 that he had not long ago conversed with an English gentleman, who told him that in twenty-five years of careful study of the agricultural class in England, he had never known one who was born and reared in the ranks of farm laborers that rose above his class and became a well-to-do citizen. The story of

a childhood passed in poverty, of intellect and moral nature trained in strenuous contests with adversity, is not unfamiliar to those who have read the lives of the men who have been successful in this country in any of the walks of life. It is one of the most beneficent results of American institutions that we have ceased to speak of poverty and hardship, and the necessity for hard and humble toil, as disadvantages to a spirit endowed by nature with the capacity for generous ambitions. In a society where labor is honorable, and where every place in social or public life is open to merit, early poverty is no more a disadvantage than a gymnasium to an athlete, or drill and discipline to a soldier.

General Garfield was never ashamed of his origin. He

“ —did not change, but kept in lofty place
The wisdom which adversity had bred.”

The humblest friend of his boyhood was ever welcome to him when he sat in the highest seats, where Honor was sitting by his side. The poorest laborer was ever sure of the sympathy of one who had known all the bitterness of want and the sweetness of bread earned by the sweat of the brow. He was ever the simple, plain, modest gentleman. When he met a common soldier it was not the general or the military hero that met him, but the comrade. When he met a scholar it was not the learned man, or the college president, but the learner.

It was fitting that he who found open the road through every gradation of public honor, from the log cabin to the Presidency, simply at the price of deserving it, should have answered in the same speech the sophistries of com-

munism and the sinister forebodings of Lord Macaulay. "Here," he said, "society is not fixed in horizontal layers, like the crust of the earth, but, as a great New England man said, years ago, it is rather like the ocean, broad, deep, grand, open, and so free in all its parts that every drop that mingles with the yellow sand at the bottom, may rise through all the waters, till it gleams in the sunshine on the crest of the highest wave. So it is here in our free society, permeated with the light of American freedom. There is no American boy, however poor, however humble, orphan though he may be, that, if he have a clear head, a true heart, a strong arm, he may not rise through all the grades of society, and become the crown, the glory, the pillar of the state. Here there is no need for the old world war between capital and labor. Here is no need of the explosion of social order predicted by Macaulay."

When seeking a place of education in the East, young Garfield wrote to several New England colleges. The youth's heart was touched and his choice decided by the tone of welcome in the reply of Dr. Hopkins, the president of Williams. It was fortunate that his vigorous youth found itself under the influence of a very great but very simple and sincere character. The secret of Dr. Hopkins' power over his pupils lay, *first*, in his own example, profound scholarship, great practical wisdom, perfect openness and sincerity, strong religious faith and humility; *second*, in a careful study of the disposition of each individual youth; *third*, justice, absolute, yet accompanied by sympathy and respect, seldom severity, never

scorn, in dealing with the errors of boyhood. No harsh and inflexible law, cold and pitiless as a winter's sea, dealt alike with the sluggish and the generous nature. No storm of merciless ridicule greeted the shy, awkward, ungainly backwoodsman. And, beyond all, Dr. Hopkins taught his pupils that lesson in which some of our colleges so sadly fail—reverence for the republican life of which they were to form a part, and for the great history of whose glory they were inheritors.

It was my fortune, on an evening last spring, to see the illustrious pupil, I suppose for the last time on earth, take leave of the aged teacher whose head the frosts of nearly four score winters had touched so lightly, and to hear him say at parting, "I have felt your presence at the beginning of my administration like a benediction."

The President delighted in his college. He kept unbroken the friendships he formed within her walls. He declared that the place and its associations were to him a fountain of perpetual youth. He never forgot his debt to her. When he was stricken down he was on his way, all a boy again, to lay his untarnished laurels at her feet.

It would have been hard to find in this country a man so well equipped by nature, by experience and by training, as was Garfield when he entered the Ohio senate in 1860, at the age of twenty-eight. He was in his own person the representative of the plainest life of the backwoods and the best culture of the oldest eastern community. He had been used in his youth to various forms of manual labor. The years which he devoted to

his profession of teacher and of college president, were years of great industry, in which he disciplined his powers of public speaking and original investigation. Dr. Hopkins said of him: "There was a large general capacity applicable to any subject, and sound sense. What he did was done with facility, but by honest and avowed work. There was no pretense of genius, or alternation of spasmodic effort and of rest, but a satisfactory accomplishment in all directions of what was undertaken." His sound brain and athletic frame could bear great labor without fatigue. He had a thoroughly healthy and robust intellect, capable of being directed upon any of the pursuits of life, or any of the affairs of state in any department of the public service. We have no other example in our public life of such marvellous completeness of intellectual development. He exhibited enough of his varied mental capacity to make it sure that he could have attained greatness as a metaphysician, or a mathematician, in any of the exact sciences, as a linguist, as an executive officer, as he did in fact attain it as a military commander, as an orator, as a debater, and a parliamentary and popular leader.

The gigantic scale on which the operations of our late war were conducted has dwarfed somewhat the achievements of individual actors. If in the history of either of the other wars in which our people have engaged, whether before or after the declaration of independence, such a chapter should be found as the narrative of Garfield's Kentucky campaign, it would alone have made the name of its leader immortal. It is said that General Rose-

crans received the young schoolmaster with some prejudice. "When he came to my headquarters," he says, "I must confess that I had a prejudice against him, as I understood he was a preacher who had gone into politics, and a man of that cast I was naturally opposed to." In his official report Rosecrans says:

"I especially mention Brigadier-General Garfield, ever active, prudent and sagacious. I feel much indebted to him for both counsel and assistance in the administration of this army. He possesses the energy and the instinct of a great commander."

We must leave to soldiers and to military historians to assign their relative historic importance to the movements of the war. But we may safely trust the popular judgment which pronounces Garfield's ride at Chickamauga one of its most conspicuous instances of personal heroism, and the Kentucky campaign a most brilliant example of fertility of resource, combined audacity and prudence, sound military judgment, and success against great odds. We may safely trust, too, the judgment of the accomplished historian,* who pronounces his report in favor of the advance that ended with the battle of Chickamauga, "the ablest military document submitted by a chief of staff to his superior during the war." We may accept, also, the award of Lincoln, who made him major-general for his brilliant service at Chickamauga, and the confidence of Thomas, who offered him the command of an army corps.

Great as was his capacity for military service, the judgment of Abraham Lincoln did not err, when it sum-

*Mr. Whitelaw Reid.

moned him to the field of labor where his greatest laurels were won. It is the fashion, in some quarters, to lament the decay of statesmanship, and to make comparisons, by no means complimentary, between persons now entrusted with the conduct of public affairs and their predecessors. We may at least find consolation in the knowledge that when any of our companions die they do not fail to receive full justice from the hearts of the people.

Suppose any of the statesmen who preceded the war, or some intelligent and not unfriendly foreign observer—some De Tocqueville or Macaulay—to look forward with Garfield to the duties which confronted him when he entered Congress in 1863. With what despair, in the light of all past experience, would he have contemplated the future. How insignificant the difficulties which beset the men of the preceding seventy years compared with those which have crowded the seventeen which were to follow. How marvelous the success the American people have achieved in dealing with these difficulties compared with that which attended the statesmanship of the times of Webster and Clay and Calhoun, giants as they were. The greatness of these men is not likely to be undervalued anywhere; least of all in Massachusetts. They contributed each in his own way those masterly discussions of the great principles by which the constitution must be interpreted, and the economic laws on which material prosperity depends, which will abide as perpetual forces so long as the republic shall endure. Mr. Webster, especially, aided in

establishing in the jurisprudence of the country the great judgments, which, on the one hand, asserted for the national government its most necessary and beneficent powers, and, on the other hand, have protected property and liberty from invasion. He uttered in the senate the immortal argument which convinced the American people of the unity of the republic and the supremacy and indestructibility of the national authority. It has been well said that the cannon of the nation were shotted with the reply to Hayne. But the only important and permanent measure with which the name of Webster is connected is the Ashburton treaty—an achievement of diplomacy of little consequence in comparison with those which obtained from the great powers of Europe the relinquishment of the doctrine of perpetual allegiance, or with the Alabama treaty of 1871. Mr. Clay's life was identified with two great policies—the protection of American industry, and the compromise between slavery and freedom in their strife for control of the territories. When he died the free trade tariff of 1844 was the law of the land, and within two years the Missouri compromise was repealed. Mr. Calhoun has left behind him the memory of a stainless life, great intellectual power and a lost cause.

To each generation is committed its peculiar task. To these men it was given to wake the infant republic to a sense of its own great destiny, and to teach it the laws of its being, by which it must live or bear no life. To the men of our time the abstract theories, which were only debated in other days, have come as practical

realities, demanding prompt and final decision on questions where error is fatal.

From the time of Jay's treaty no such problem has presented itself to American diplomacy as that which the war left as its legacy. The strongest power on earth, accustomed, in dealing with other nations, to take counsel only of her pride and her strength, had inflicted on us vast injury, of which the honor of this country seemed pledged to insist on reparation, which England conceived hers equally pledged to deny. But in domestic affairs, the difficulties were even greater. For six of the sixteen years that followed the death of Lincoln the president was not in political accord with either house of congress. For four others the house was of different politics from president and senate. During the whole time the dominant party had to encounter a zealous and able opposition, and to submit its measures to a people having apparently the strongest inducements to go wrong. The rights of capital were to be determined by the votes of labor; debtors to fix the value of their payments to their creditors; a people under no constraint but their own sense of duty to determine whether they would continue to bear the weight of a vast debt; the policy of dealing with the conquered to be decided at the close of a long war by the votes of the conquerors, among whom every other family was in mourning for its dead; finance and currency with their subtleties, surpassing the subtleties of metaphysics, to be made clear to the apprehension of plain men; business to be recalled from the dizzy and dangerous

heights of speculation to moderate gains and safe laws; great public ways connecting distant oceans to be built; commerce to be diverted into unaccustomed channels; the mouth of the Mississippi to be opened; a great banking system to be devised and put in operation such as was never known before, alike comprehensive and safe, through whose veins and arteries credit, the life blood of trade, should ebb and flow in the remotest extremities of the land; four millions of people to be raised from slavery to citizenship; millions more to be welcomed from foreign lands; a disputed presidential succession to be settled, after an election contest in which the country seemed turned into two hostile camps, by a tribunal for which the founders of the government had made no provision; all this to be accomplished under the restraints of a written constitution.

When this list has been enumerated, the eulogy of Garfield, the statesman, has been spoken. There is scarcely one of these questions, certainly not more than one or two, which he did not anticipate, carefully and thoroughly study for himself before it arose, and to which he did not contribute an original argument, unsurpassed in persuasive force. Undoubtedly there were others who had more to do with marshaling the political forces of the House. But almost from the time he entered it, he was the leader of its best thought. He was ever serious, grave, addressing himself only to the reason and conscience of his auditors.

He lived in a State whose people were evenly divided in politics, and on whose decision, as it swayed alter-

nately from side to side, the fate of the country often seemed to depend. You will search his speeches in vain for an appeal to a base motive or an evil passion. Many men who are called great political leaders, are really nothing but great political followers. They study the currents of a public sentiment which other men form. They use as instruments opinions which they never espoused till they became popular. General Garfield always consulted with great care the temper of the House in the conduct of measures which were under his charge. But he was remarkably independent in forming his judgments, and inflexible in adhering to them on all great essential questions. His great friend and commander, General Thomas, whose stubborn courage saved the day in the great battle for the possession of Tennessee, was well called "the rock of Chickamauga." In the greater battle in 1876, for the nation's honor, Garfield well deserved to be called the "rock of Ohio." Everything he did and said manifested the serious, reverent love of excellence. He had occasion often to seek to win to his opinion masses of men composed largely of illiterate persons. No man ever heard from his lips a sneer at scholarship. At the same time, he never made the scholar's mistake of undervaluing the greatness of the history of his own country, or the quality of his own people.

The limits of this discourse do not permit me to enter into the detail of the variety and extent of his service in debate, in legislation, and in discussions before the people. I could detain you until midnight were I to re-

count from my own memory the great labors of the twelve years that it was my privilege to share with him in the public service, for four of which I sat almost by his side. Everybody who had a new thought brought it to him for hospitable welcome. Did Science or Scholarship need anything of the government, Garfield was the man to whom they came. While charged with the duty of supervising the details of present legislation, he was always foreseeing and preparing for the future. In the closing years of the war, while chairman of the committee of military affairs, he was studying finance. Later he had prepared himself to deal with the defects in the civil service. I do not think the legislation of the next twenty years will more than reach the ground which he had already occupied in his advanced thought.

General Garfield gave evidence of vast powers of oratory on some very memorable occasions. But he made almost no use of them as a means of persuading the people to conclusions where great public interests were at stake. Sincerity, directness, full and perfect understanding of his subject, clear logic, manly dignity, simple and apt illustration, marked all his discourse. But on a few great occasions, such as that in New York, when the people were moved almost to frenzy by the assassination of Lincoln, or in the storm which moved the great human ocean at the convention at Chicago, he showed that he could touch with a master's hand the chords of a mighty instrument:

such as raised

To height of noblest temper heroes old,
Arming to battle, and instead of rage

Deliberate valor breathed, firm and unmoved
 With dread of death to flight or foul retreat;
 Nor wanting power to mitigate and suage
 With solemn touches, troubled thoughts, and chase
 Anguish and doubt and fear and sorrow and pain
 From mortal or immortal minds.

When General Garfield took the oath of office as President, he seemed to those who knew him best, though in his fiftieth year, still in the prime of a splendid and vigorous youth. He was still growing. We hoped for him eight years of brilliant administration, and then, in some form or place of service, an old age like that of Adams, whom, in variety of equipment, alone of our presidents he resembled. What was best and purest and loftiest in the aspiration of America seemed at last to have laid its hand on the helm. Under its beneficent rule we hoped, as our country entered on its new career of peace and prosperity, a nobler liberty, a better friendship, a purer justice, a more lasting brotherhood.

But he was called to a sublimer destiny. He had ascended along and up the heights of service, of success, of greatness, of glory; ever raised by the people to higher ranks for gallant and meritorious conduct on each field, until by their suffrages he stood foremost among men of the foremost among nations. But in the days of his sickness and death he became the perpetual witness and example how much greater than the achievements of legislative halls, or the deeds of the field of battle, are the household virtues and simple family affections which all men have within their reach; how much

greater than the lessons of the college, or the camp, or the congress, are the lessons learned at mothers' knees. The honors paid to Garfield are the protest of a better age and a better generation against the vulgar heroisms of the past. Go through their mausoleums and under their triumphal arches and see how the names inscribed there shrink and shrivel compared with that of this Christian soldier, whose chiefest virtues, after all, are of the fireside, and the family circle, and of the dying bed. Here the hero of America becomes the hero of humanity. We are justified then in saying of this man that he has been tried and tested in every mode by which the quality of a human heart and the capacity of a human intellect can be disclosed; by adversity, by prosperity, by poverty, by wealth, by leadership in deliberative assemblies, and in the perilous edge of battle, by the height of power and of fame. The assay was to be completed by the final test—by the certain and visible approach of death. As he comes out into the sunlight, more and more clearly does his country behold a greatness and symmetry which she is to see in their true and full proportions only when he lies in the repose of death.

As sometimes in a dead man's face,
 To those that watch it more and more,
 A likeness, hardly seen before,
 Comes out, to some one of his race;

So, dearest, now thy brows are cold,
 I see thee what thou art, and know
 Thy likeness to the wise below,
 Thy kindred with the great of old.

Let us not boast at the funeral of our dead. Such a

temper would be doubly odious in the presence of such expressions of hearty sympathy from governments of every form. But we should be unfaithful to ourselves if in asking for this man a place in the world's gallery of illustrious names we did not declare that we offer him as an example of the products of Freedom. With steady and even step he walked from the log cabin and the canal path to the school, to the college, to the battle-field, to the halls of legislation, to the White House, to the chamber of death. The ear in which the voices of his countrymen, hailing him at the pinnacle of human glory, had scarcely died out, heard the voice of the dread archangel, and his countenance did not change. Is not that country worth dying for whose peasantry are of such a strain? Is not the constitution worth standing by under whose forms Freedom calls such men to her high places? Is not the Union worth saving which gives all of us the property of countrymen in such a fame?

with appropriate selection
of *Geo F Hoar*
MEMOIR 5

OF

SAMUEL HOAR

OF CONCORD

BY HIS SON

GEORGE F. HOAR

REPRINTED FROM VOLUME III. OF THE MEMORIAL BIOGRAPHIES OF THE
NEW ENGLAND HISTORIC GENEALOGICAL SOCIETY

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SAMUEL HOAR

SAMUEL HOAR, the oldest son of Samuel and Susanna (Peirce) Hoar, was born in Lincoln, Massachusetts, May 18, 1778. His pedigree, in all the lines of ascent, will be found in Bond's History of Watertown, traced, with few exceptions, from the ancestors who came over from England between 1635 and 1650. All his American ancestors dwelt in Concord, Lincoln, Lexington, Waltham, or Watertown, within a circle of six miles' radius.

He was seventh in descent from Charles Hoare, of Gloucester, England, who died in 1636. Charles Hoare, Jr., was Sheriff of Gloucester in 1634. He and other persons of his name are frequently mentioned in the municipal records. He was a man of large wealth, and died in 1638. Joanna (Hinksman*), the widow of Charles Hoare, Jr., came to this country with his five youngest children, probably in 1640; certainly between the end of 1638 and the autumn of 1641.

Thomas, the eldest son of Charles Hoare, Jr., remained in England. The second son, John, settled in Scituate, afterward in Concord, and was the ancestor of the subject of this memoir. His daughter Elizabeth married Jonathan, son of John Prescott, of Lancaster. The third son,

* This name is spelled in early records Henschman or Hinksman indifferently. Charles Hoare, Jr. mentions his wife's brother, Thomas Hinksman, in his will, dated September 25, 1638, and proved at Doctors' Commons, December 21, 1638. Whether this is the same person as Thomas Henschman of Chelmsford is not certain.

Daniel, returned to England, and engaged extensively in trade with the Colony. The youngest son, Leonard, was graduated at Harvard College in 1650, and was the first President of the College who was a graduate.

Of the two daughters, Joanna married Colonel Edmund Quincy. Margery married a Matthew in England, and after coming to this country married the Rev. Henry Flint, of Braintree. Joanna Hoare, widow of Charles, died in Braintree, December 23, 1661. She was the ancestress of Governor Roger S. Baldwin, of Connecticut; of William M. Evarts, Secretary of State; of John Quincy Adams; of Josiah Quincy, the Revolutionary patriot, and of President Quincy; and of General Terry, the hero of Fort Fisher.

Samuel Hoar married Sarah, daughter of Roger Sherman, of Connecticut, October 13, 1812. She died August 30, 1866. Their children were:—

Elizabeth, born July 14, 1814, died April 7, 1878.

Ebenezer Roekwood, born February 21, 1816.

Sarah Sherman, born November 9, 1817.

Samuel Johnson, born February 4, 1820, died January 18, 1821.

Edward Sherman, born December 22, 1823.

George Frisbie, born August 29, 1826.

The father of Samuel Hoar, both grandfathers, and one uncle by blood and one by marriage, were at Concord Bridge on the 19th of April, 1775, in the Lincoln company. The father, Hon. Samuel Hoar, of Lincoln, was a lieutenant in the Revolutionary war, took part in the battle of Saratoga, was many years a magistrate of Middlesex County, representative from Lincoln in the Legislature, State Senator, and member of the Constitutional Convention in 1820.

Samuel was brought up on his father's farm, fitted for college by the Rev. Charles Stearns, D. D., of Lincoln, (H. C. 1773,) and graduated at Harvard in 1802. His class was famous for the number of distinguished men it

contained, and for the strong attachment of its members to each other. Two of his three sons were named for classmates. After graduating he spent two years as private tutor in the family of Colonel Tayloe, of Mount Airy, Virginia. He studied law under the Hon. Artemas Ward, in Charlestown, and was admitted to the bar in September, 1805.

He was offered the Professorship of Mathematics by Harvard College in 1806. The writer cannot learn that he had then, or ever, any considerable mathematical attainments. Mr. Emerson says, "It was rather his reputation for severe method in his intellect, than any special direction in his studies," that caused this offer. But he had already won some considerable successes in his profession, and the offer, though attractive, was declined.

Mr. Hoar rose rapidly to the position of leader of the Middlesex bar, which he held until his retirement from practice. His name is found as of counsel in three quarters of the cases reported in Middlesex for many years, and in many in other counties. Mr. Justice Ames says: "Among my earliest recollections of the administration of justice in the county of Middlesex was the fact that Mr. Hoar appeared to be in every case, so that apparently the only obstacle to his having a complete monopoly of the business lay in the impossibility of being on both sides at once."

For thirty years his life was devoted to his profession. He had a simple, clear, and vigorous style, which conveyed his meaning with almost mathematical precision. The chief characteristic of his intellect, as of his moral nature, was directness. He addressed and confined himself to the business in hand, doing nothing for display or ornament. "So eminently practical and useful, and so much to the point did he always aim to make himself, that one would not speak of Mr. Hoar as especially learned, or sagacious, or eloquent, save when the

precise condition of his cause needed the exercise of sagacity, of persuasive speech, or the support of learning. He threw away no exertion by misplaced efforts, but what his cause demanded he was usually able to furnish, and few men could judge so well as he by what means his object would be best accomplished. No man was more safe than he as an adviser; none more fully prepared to meet the varying exigencies of the forum; no one, whatever his gifts of speech, more favorably impressed or convincingly addressed a jury. His style as a speaker was calm, dignified, simple, direct, and unimpassioned, but he spoke as one who was first convinced, before he attempted to convince his tribunal. While he never went below the proper dignity of time, place, and occasion, at the same time he would never fail to receive from all the juries and bystanders at a Middlesex nisi prius term the general award that he was the most sincere and sensible man that ever argued cases at that bar. Nor was this all. To the measure also of a greatness even to the surprise of his friends could he raise his efforts as an advocate, when the occasion called for a full exhibition of his clear and strong logical faculty, or excited those genuine emotions from which spring the fountains of eloquence.*

He understood thoroughly the temper and opinions of the farmers who made up the bulk of the juries in his day, and thoroughly possessed their confidence. His influence with them was almost unbounded. A story was current fifty years ago which appeared in the *National Intelligencer*, that, in a criminal trial where he conducted the defence, the jury came into court and reported that they were unable to agree. The presiding judge asked whether their difficulty was with the law or the evidence. The foreman replied that it was not in either, but in the plea; that the law and the evidence seemed to show that the man was guilty, but that Squire Hoar had said in his plea

* John A. Andrew, in *Boston Daily Atlas*, November 10, 1856.

that he believed his client was innocent, and as Squire Hoar always told the truth, most of the jury did not see how they were to get over it.

The trials of the widest celebrity in which he was concerned were the impeachment of Judge Prescott, in which he was associated with Mr. Webster for the defendant; the defence of George Crowninshield, on the indictment for the murder of Captain Joseph White, in Salem, in 1830; and two trials of *Sanborn vs. Tufts's Executors*, in which he was opposed by Choate, Jeremiah Mason, and Webster, and which resulted in a disagreement of the jury and a compromise. He was extensively consulted by clergymen of all denominations and by parishes on matters involving parochial law, and was perhaps regarded as the highest authority in Massachusetts upon the law pertaining to mills and water-power.

His law library was never a large one, though excellent in quality, and adequate to the usual requirements of his profession. But though not especially learned, in the sense of the knowledge and memory of a large number of adjudged cases, his mind was thoroughly stored with legal principles, and he had in a remarkable degree the power, characteristic of the greatest legal minds, of starting from a simple and fundamental proposition of law or morals, and showing how a sound and just result could be reached through the most complicated array of facts, by keeping it steadily in view, and disregarding all irrelevant considerations. It was this quality of his mind, with the sincerity, directness, and strong good sense which marked his character, which insured him the attention of every tribunal that he addressed, and gave him a rightful place among the leaders of his profession. Always serious, dignified, and simple, there was nothing about him of affectation or pretence.

Between 1810 and 1820, Mr. Hoar was much interested in the attempt to enforce the laws against unnecessary

travelling on Sunday, and astonished some of his less puritanical neighbors by the vigor and efficiency of his efforts in that direction.

It is said that an old farmer in one of the northern towns of Middlesex County was looking in melancholy mood at the devastation in his woodland, made by the great September gale of 1815, when he suddenly exclaimed, "I wish this tornado had come last Sunday." "Why so?" was asked. "Because I should have liked to see, as it came along up through Concord, whether Sam Hoar would have tried to stop it."

After his retirement from professional employment, Mr. Hoar devoted much of his time to reading, choosing chiefly books relating to American history, of the Colonial and Revolutionary periods. In his early life he had little opportunity to become acquainted with works of fiction, the tendency of which he believed to be so injurious that he did not permit them to be read by his family. For many years his library was without a single novel. But about the year 1827 he happened to be blocked up by a snow-storm in a country tavern, and found the only book accessible to be the first volume of *Redgauntlet*, which he read with so much delight that, on his return home, he immediately sent to the village library for the second volume, and soon after subscribed for a complete edition of the *Waverley Novels*, then in course of publication, and read them with as much avidity and satisfaction as the most devoted admirer of Scott could have demanded. It was obviously a new revelation.

Until he took his seat in Congress in 1835, Mr. Hoar rarely held office. He was a Federalist, and afterward a Whig. He was a member of the State Senate in 1826, 1832, and 1833, and represented Concord in the Convention for Revising the Constitution, in 1820. When he first rose to speak in that body, John Adams said, "That young man reminds me of my old friend, Roger Sher-

man." He took a leading part in the debates of the Convention.

He was elected in 1834 to succeed Edward Everett as the Representative from the Middlesex District in the Twenty-fourth Congress. He served but one term, being defeated by a Democrat at the next election. He made, during that term, a very powerful but temperate argument in support of the constitutional power to abolish slavery in the District of Columbia. He also earnestly opposed the acknowledgment of the independence of Texas.

Soon after his service in Congress Mr. Hoar withdrew from the practice of law and devoted himself "to the service of the temperance and other philanthropic societies, the Sunday schools, the cause of education, and specially of the University, and to such political activities as a strong sense of duty and the love of order and freedom urged him to forward." He was a member of the Harrisburg Convention, which nominated General Harrison for the Presidency in 1839. He became a corresponding member of the New England Historic Genealogical Society, January 23, 1847.

South Carolina, deeming the presence of free persons of color among her slaves dangerous to the institution of slavery, passed laws prohibiting such persons from coming or being brought into the State. These laws were pronounced unconstitutional by Attorney-General Wirt. Judge Johnson, himself a native and citizen of South Carolina, declared that they trampled on the Constitution, and implied a direct attack on the sovereignty of the United States. They were, however, re-enacted with more comprehensive provisions and more stringent penalties. The act of December 19, 1835, provided that any free negro, or person of color, coming voluntarily into the State, should be warned to depart, and failing so to depart, or returning after such warning, should be publicly sold as a slave. Colored persons brought in as steward,

cook, or in other employment on board a vessel, were to be instantly seized and put in jail on the arrival of the ship, and kept imprisoned till her departure. Failing to depart when the ship left, or returning again, they were to be likewise sold. A bond to pay the jail fees was required of the captain. In default of payment of these fees, under the operation of these laws, the negro was sold.

Louisiana passed similar laws. Under these statutes many Massachusetts seamen had been taken from vessels, cast into jail, and in some instances sold into slavery. After several ineffectual remonstrances, the Legislature of Massachusetts, in March, 1843, passed resolves authorizing the Governor to employ agents in the ports of Charleston and New Orleans, —

“For the purpose of collecting and transmitting accurate information respecting the number and names of citizens of Massachusetts, who have heretofore been, or may be during the period of his engagement, imprisoned without the allegation of any crime. The said agent shall also be enabled to bring and prosecute, with the aid of counsel, one or more suits in behalf of any citizens that may be so imprisoned, at the expense of Massachusetts, for the purpose of having the legality of such imprisonment tried and determined upon in the Supreme Court of the United States.”

The Governor requested several gentlemen of professional distinction dwelling in these ports to undertake the agency. They declined. It was apparent that public opinion would not permit any citizen of South Carolina or Louisiana to perform the duty. Thereupon Massachusetts, March 16, 1844, passed an additional resolve, authorizing the Governor to employ an agent for the port of Charleston, and an agent for the port of New Orleans, whose duty it should be to reside in those ports for a term not exceeding one year, for the purposes specified in the resolves of 1843. After a new attempt to obtain agents

living in those cities, Governor Briggs appointed Mr. Hoar, on the 11th of October, 1844.

The trust was accepted without any anticipation of personal danger. Mr. Hoar went to Charleston accompanied by his eldest daughter, Elizabeth, arriving about six o'clock on the morning of Thursday, November 28th. In the forenoon of that day he addressed a letter to Governor Hammond, at Columbia, containing an extract of so much of the resolve of Massachusetts as defined his authority, and stating his appointment, and his arrival for the purpose of executing his agency.

The prosecution of Mr. Hoar's mission was delayed till the following Monday by the absence of the Mayor. By that time South Carolina was in a state of intense excitement. Saturday, November 30th, Governor Hammond communicated Mr. Hoar's letter to the Legislature by special message, which was referred to the Committee on Federal Relations, and raised great commotion. Monday evening the Sheriff of Charleston called, accompanied by the acting Mayor and one of the Aldermen, and examined Mr. Hoar's commission, and the resolve on which it was founded. He then said: "It is considered a great insult on South Carolina by Massachusetts to send an agent here on such business. This city is highly incensed. You are in great danger, and you had better leave the city as soon as possible." He then produced a letter from the Attorney-General of the State, in which the writer urged the avoidance of a resort to lynching, saying it would disgrace the city. The Sheriff added, that he should endeavor at the hazard of his life to defend Mr. Hoar, but doubted whether he could do it, and urged him as the only means of safety to leave the city as soon as possible. Mr. Hoar answered "that he had been sent there on lawful business, and could not leave the city until he had at least attempted to perform that business."

During the three following days, the Sheriff and many

of the leading citizens of Charleston called on Mr. Hoar at different times, urging his departure, and representing the impossibility of restraining the citizens from personal violence if he stayed. He repeated his refusal, saying in one instance that "he would rather his broken skull should be carried home to Massachusetts than to return there alive having run away from his duty."

On Monday afternoon, Dr. Whittredge, a man of pure and high character, the head of the medical profession of Charleston, who had served in the army nearly the whole of the last war with England, came to the hotel in great agitation and distress. He said that "he felt unutterable mortification in making the communication which he felt bound to make; that a state of things existed which he had not thought possible in Charleston; that he had been round in different parts of the city, and had just then come from the City Council; that the danger was not only great, but imminent; that the people were assembled and assembling in groups; that nothing seemed wanting but for some one to say, 'Now is your time,' to bring on the attack." He offered to procure a carriage, in which he thought it still probable that Mr. Hoar might make his escape, and proceed to a plantation owned by the Doctor, about twenty miles from the city, and stay in safety until he could fix on further measures.

Mr. Hoar replied that, if he should then leave the city, he could not afterward return to it; that he should not know where to go from Dr. Whittredge's house, for he should be ashamed to return to Massachusetts if he should run away from duty, and whatever happened he must abide the result.

He expected the attack during the following night, but the leaders of public opinion in Charleston exerted themselves to quiet the mob, and gave assurances that Mr. Hoar should be removed from the city.

About noon on Thursday, Mr. Rose, president of one of

the Charleston banks, with two members of the bar, called, stating that they had come to see if they could induce Mr. Hoar to leave the city. They argued that the state of things made it his duty to go. He replied, stating the lawful nature of his business, and the necessity he was under of attempting to perform it. They then indicated to him their determined purpose to remove him, and informed him that at two o'clock a number of gentlemen would call to conduct or escort him to the boat. He answered that fighting on his part would be foolish, that he was too old to run, and that they would find him there to be disposed of as they thought proper.

The boat was prevented by an accident from arriving at the usual hour, and Mr. Hoar remained unmolested till the next day. In the evening the Sheriff informed him that the city had become quiet, and that he should leave it the next morning. Meantime the keeper of the hotel presented to the city government a petition that they would remove Mr. Hoar from his house to preserve it from impending danger. Mr. Hoar was informed of this on Friday about noon. Just afterward he was summoned into the hall, where he found Mr. Rose and his associates, with some seventy other persons, and an assembly about the door, on the piazza, and in the street. There were also a number of carriages. Mr. Rose announced the purpose for which he had come. Mr. Hoar stated to him that if he left the city it was because he must, not because he would. Some of the other gentlemen then addressed him, saying he had done all he could, and that it was impossible for him to remain. There was then but one alternative, to walk to a carriage or to be placed in it by an overwhelming force. Mr. Hoar could perceive no service to anybody in the latter alternative, and then for the first time said he would go. One of the men present pointed out the carriage he was to enter, and he was driven to the boat without further molestation.

The day before, the Legislature at Columbia passed the following resolutions: —

“ *Resolved*, That the right to exclude from their territories seditious persons, or others whose presence may be dangerous to their peace, is essential to every independent state.

“ *Resolved*, That free negroes and persons of color are not citizens of the United States within the meaning of the Constitution, which confers upon the citizens of one State the privileges and immunities of citizens in the several States.

“ *Resolved*, That the emissary sent by the State of Massachusetts to the State of South Carolina, with the avowed purpose of interfering with her institutions and disturbing her peace, is to be regarded in the character he has assumed, and to be treated accordingly.

“ *Resolved*, That his Excellency the Governor be requested to expel from our territory the said agent, after due notice to depart; and that the Legislature will sustain the executive authority in any measures it may adopt for the purpose aforesaid.”

Just after Mr. Hoar's departure, on the same afternoon, an agent appointed by the Governor of South Carolina to carry into effect the last resolution arrived in Charleston to execute his mission.

It is often stated that Mr. Hoar was driven from Charleston by a mob. This is in one sense true, but not true in the ordinary sense. Mr. Hoar remained in Charleston until all danger to himself from unlawful violence was over. The assembly of leading gentlemen threatened no other force than was necessary to place him on a steamboat and keep him there until the boat departed. This assembly, whether acting on their own authority or under the resolve of the Legislature of South Carolina directing the removal of the agent of the State of Massachusetts from the State, passed the day before, but not received in Charleston until a few hours after Mr. Hoar's departure, was in every legal sense a mob. The right to bring a suit in the courts of the United States, and to remain in South Carolina for that purpose, was a right under the

Constitution and laws of the United States, and a combination of persons interfering with it by violence, whether with or without pretended authority from a State legislature, constituted a mob. The alternative finally offered was not between flight and death, or personal insult and violence, for between those he had already resolutely made his election, but between stepping into a carriage and being put into it with no other force than was needed for that purpose.

Mr. Hoar reported the circumstances of this attempt to execute his mission to the Massachusetts delegation at Washington, and to the Governor.

Governor Briggs in a special message to the Legislature says, "The conduct of Mr. Hoar under the circumstances seems to me to have been marked by that prudence, firmness, and wisdom which have distinguished his character through his life." John Quincy Adams says in his diary, "I approved the whole of his conduct."

At the organization of the State government in the beginning of the following January, Mr. Hoar was chosen by the Legislature a member of the Executive Council, in which office he served two years.

Soon after Mr. Hoar's return from South Carolina, the annexation of Texas was consummated. This was followed by the war with Mexico, the acquisition of New Mexico and California by the treaty of peace, and the struggle between the slave power and its opponents for the control of the institutions of the new territories. These events divided the Whig party of the North. Some were for maintaining their political association with the Southern Whigs, without insisting on the prohibition of slavery in the territories by law. Others determined to make this prohibition paramount to all other political doctrines, and to support no candidate who did not agree with them on this vital question. This difference came to an open rupture in 1848.

Mr. Hoar deemed the nomination of General Taylor a final abandonment by the Whig party of its opposition to the spread of slavery. From that time he exerted himself to bring about a union of men of all parties upon this ground. As soon as Taylor was nominated a call was issued, written by his son, E. R. Hoar, summoning all persons opposed to the nomination of Cass and Taylor to meet in Convention at Worcester, June 28th, 1848. A large assemblage, among whom were Charles Allen, Charles Sumner, Charles F. Adams, Stephen C. Phillips, John A. Andrew, and E. R. Hoar, responded to the call. Samuel Hoar presided. A national convention afterward met at Buffalo, and nominated candidates for President and Vice-President. Mr. Hoar supported these nominations, and his name was at the head of the electoral ticket of the Free Soil party.

He, however, agreed generally with the Whigs in matters of State policy, and disapproved the coalition of 1851 and 1852.

Mr. Hoar represented Concord in the Legislature of 1850. He was chosen by a union of all parties in the town, to resist an attempt to remove the courts. The resistance was successful. He had, during the winter, the opportunity to render a very important service to Harvard College. There was a vigorous and dangerous attempt to abolish the existing Corporation, and transfer the property and control of the College to a board of fifteen persons, to be chosen by the Legislature by joint ballot, one third to go out of office every second year. This measure was recommended in an elaborate report by Mr. Boutwell, an influential member of the House, chosen Governor at the next election, and advocated by Henry Wilson, afterward Senator and Vice-President, and by other gentlemen of great influence. All the members of the corporation were Unitarians, a sect containing a very small proportion of the people of the State, and Whigs in

politics. The project to take the College from their control was very popular in many quarters. The House listened willingly to the able arguments with which the measure was introduced, and before Mr. Hoar spoke its opinion was unmistakably for the bill. He argued that the measure was in conflict with the Constitution of the United States, and defended the College with great earnestness from the charge that it had "failed to answer the just expectations of the public." The Boston Daily Atlas, edited by General Schouler, then a member of the House, said the next day of this speech: "The argument of Mr. Hoar was of transcendent excellence, and had a most overpowering effect upon the House. We regret that no report was made of it. It is a pity that so much learning, argument, and eloquence should be lost."

This speech caused a revolution in the opinion of the body, and the measure was referred to the next General Court. The next year Mr. Hoar was employed by the Corporation as its counsel to appear before the Legislature in opposition to the measure; but the scheme was abandoned. A bill passed, to which no opposition was made, for the election of Overseers by the Legislature. This remained in force till 1866, when the present plan of electing Overseers by the alumni was adopted.

One of the measures of the coalition was the call of a convention to revise the Constitution of the Commonwealth.

The Legislature of 1851 submitted to the people the question of calling such a convention, and the project was rejected by a large majority. The proposal was renewed in the Legislature of 1852. In that year the coalition had a very small majority in the House. They were enabled to carry the act only by the assurance made in the report of the special committee on the subject, that it was not proposed to interfere with the tenure of the judicial office. This Convention was held in 1853, and

proposed very important changes, including the limitation to ten years of the term of office of the judges of the Supreme Court, a provision for electing Judges of Probate by the people for terms of three years, making juries judges of the law in criminal cases, and the increase of existing inequalities in representation. Mr. Hoar disapproved of the changes, and earnestly opposed the new Constitution; in this respect agreeing with Governor Morton, John G. Palfrey, Charles Francis Adams, and other eminent members of the Free Soil party. The influence of these gentlemen contributed largely to the defeat of the scheme.

But Mr. Hoar's earnest desire was for a union of all parties in the North in opposition to the further encroachment of the slave power. In accomplishing this end, his age, the regard in which he was held by all classes of people, his known disinterestedness and independence, fitted him to exert a large influence. The Free Soil movement had led to the formation of a party in Massachusetts, small in numbers, but zealous, active, in earnest, containing many able leaders, eloquent orators, and vigorous writers. They had sent Charles Allen to the lower house of Congress, and Sumner and Rantoul to the Senate. But they had apparently made little impression on the national strength of either of the old parties.

In 1854, the passage of the measure known as the Kansas-Nebraska bill afforded a new opportunity. A meeting of citizens of Concord appointed a committee, of which Mr. Hoar was Chairman, and A. G. Fay, Secretary, who called a meeting of prominent persons from different parts of the State to meet at the American House, in Boston, to take measures for forming a new party and calling a State Convention. This convention was held at Worcester, on the 7th of September, and formed a party under the name of Republican, and nominated candidates for State officers. Its meeting has been claimed to be the

foundation of the Republican party of Massachusetts, and its twenty-fifth anniversary was celebrated accordingly in 1879; but it effected little more than to change the name of the Free Soil party. Few Whigs or Democrats united in the movement. A secret organization called Americans, or Know-Nothings, swept the Commonwealth like a wave, electing all the State officers, and, with scarcely an exception, the entire Legislature.

The candidate for Governor nominated by the Republicans at Worcester himself joined the Know-Nothings, and labored to defeat his own election.

The next year the attempt was more successful. On the 10th of August, 1855, a meeting without distinction of party was held at Chapman Hall, in Boston, which was addressed by Mr. Hoar, George Bliss, Franklin Dexter, William Brigham, Lyman Beecher, Richard H. Dana, Jr., Charles F. Adams, Henry Wilson, Stephen C. Phillips, and others. On the 30th of the same month, a meeting of conference committees was held, representing the American party, the Know-Somethings, an antislavery organization which had held a national convention at Cleveland in June, and the Chapman Hall Convention. This conference appointed a committee of twenty-six to call a State Convention, at the head of which they placed Mr. Hoar. This State Convention was held at Worcester, nominated Julius Rockwell for Governor, and the organization which it created has constituted the Republican party of Massachusetts to the present day.

The part taken in calling this Convention, and in promoting the union which gave it birth, was Mr. Hoar's last important political service. His failing health prevented his taking an active share in the Presidential campaign of 1856.

He preserved his vigor of body until he entered his seventy-seventh year, taking walks of five or six miles without fatigue. About that time he took a severe cold

at a neighbor's funeral. An illness followed which seriously impaired his strength. He died, November 2, 1856, two days before the Presidential Election.

He was six feet three inches in height, erect, with fine gray hair, blue eyes, of graceful and dignified deportment, and of great courtesy, especially to women and children. "His head," says Mr. Emerson, "with singular grace in its lines, had a resemblance to the bust of Dante. He retained to the last the erectness of his tall but slender form, and not less the full strength of his mind. Such was, in old age, the beauty of his person and carriage, as if his mind radiated, and made the same impression of probity on all beholders."

He held a few simple beliefs with undoubting faith. He submitted himself to the rule of life which followed from these, and rigorously exacted obedience to it from all for whom he was responsible. He accepted the exposition of Christian doctrine given by Dr. Channing. The Massachusetts Constitution of 1780 seemed to him a nearly perfect system of government. He earnestly resisted, in the Convention of 1820, the abolition of the property qualification for voters, and of the obligation of all citizens to be taxed for the support of religious worship. He took early and deep interest in the temperance reform, and gave much time, labor, and money to promote it. "The strength and beauty of the man," says Mr. Emerson, "lay in the natural goodness and justice of his mind, which in manhood and in old age, after dealing all his life with weighty private and public interests, left an infantile innocence of which we have no second or third example,—the strength of a chief united to the modesty of a child. He returned from courts and Congresses to sit down with unaltered humility, in the church, or in the town-house, on the plain wooden bench, where honor came and sat down beside him. He was a man in whom so rare a spirit of justice visibly dwelt, that, if one had met him in a cabin

or in a court, he must still seem a public man answering as sovereign state to sovereign state; and might easily suggest Milton's picture of John Bradshaw, — 'that he was a consul from whom the fasces did not depart with the year, but in private seemed ever sitting in judgment on kings.' "

The following are the principal biographical accounts of Mr. Hoar :—

A Funeral Sermon preached in the First Church in Concord, November 9, 1856, by Rev. Barzillai Frost.

Article in Putnam's Monthly for December, 1856, by Ralph Waldo Emerson.

Article in the Monthly Religious Magazine for January, 1857, by Ralph Waldo Emerson.

Article in the Christian Examiner for January, 1857, by George E. Ellis, D. D.

Article in the Monthly Law Reporter for December, 1856, by Emory Washburn.

Memoir prepared agreeably to a Resolution of the Massachusetts Historical Society, by William Minot, Boston, 1862.

Article in the Boston Daily Atlas, November 10, 1856, by John A. Andrew.

Article in Detroit Daily Advertiser, by Rufus Hosmer, Mayor of Detroit.

Numerous societies and public bodies passed resolutions of respect to his memory. Among these may be specially mentioned those of the Middlesex Bar, accompanied with remarks by the Honorable Seth Ames and Mr. Justice Merrick; and of the Massachusetts Historical Society, with remarks by the Honorable Robert C. Winthrop, Honorable James Savage, and the Honorable Daniel A. White.

It is believed that the life thus imperfectly recorded was useful in its generation. To have been among the foremost advocates and jurists of the very able bar of Massachusetts, a leader in the temperance reform, one of the founders of the great party that abolished slavery, contributing largely to preserve the judiciary as established by the founders of the Constitution, a successful defender

of the College in its season of extreme peril, are certainly titles to honorable remembrance. But if natural affection has not wholly blinded the judgment of the writer, Mr. Hoar's chief service to his generation was in the deep impression made on all persons who came within the influence of his lofty and spotless character. It is curious to observe from what a variety of persons came the tributes to his excellence. Many men in different parts of the country, who spent their youth in Concord, have borne emphatic witness to the debt they owed to his beneficent influence.

A few years before his death, a little boy, son of a widow who was almost the poorest and humblest person in town, was drowned in Concord River. "The evening before the accident," says Mr. Frost, in the sermon preached the Sunday after Mr. Hoar's death, "as he sat in his humble home, as if touched by some angel influence to prepare him for heaven, he spoke tenderly to his poor widowed mother of her kindness, of what he meant to do for her when he was a man, of his noble plans of life, and then he turned to speak affectionately and reverently of Mr. Hoar, as if instinctively conscious of the source from whence he derived his holy thoughts. This illustrates the kind of influence he exerted."

President Walker closes his annual report of December 31, 1856, as follows: "The undersigned cannot conclude his report without allusion to the recent lamented death of the Honorable Samuel Hoar, a distinguished and justly influential member of this board, — venerable alike for his age and his virtues, — a devoted friend to the College, which he has been able to serve in a thousand ways by the wisdom of his counsels and the weight of his character."

In the early days of the Free Soil party, Franklin Dexter, the most fastidious of men, said, "If they will put up Samuel Hoar for Governor, I will vote with them."

Mr. A. Bronson Alcott said, the same year, "If they will nominate Samuel Hoar for Governor, I do not know but I will recognize the state so far as to vote for him." He is pleasantly remembered by the elders among the farmers of Middlesex and of the neighboring counties, who counted him as one of themselves, and who have many stories to tell of him.

Governor Emory Washburn and Governor Andrew each commemorated him in an extended and affectionate biographical sketch. George Allen said of him, "Samuel Hoar, a citizen of Massachusetts, as much respected as any among us for his virtues, his talents, and his services, — a personification of the highest intellectual and moral traits of the New England character." Starr King said of him that "he lived all the beatitudes daily." John G. Palfrey says, "He was a man of admirable probity, sobriety, experience, wisdom." Charles Sumner said, "Samuel Hoar, a name we all delight to praise." Mr. Winthrop has more than once, with great eloquence and earnestness, paid a like tribute. Dr. Lyman Beecher, the giant champion of the old orthodoxy, heard at Andover, Saturday evening, of the dangerous illness of Mr. Hoar. The old man of eighty-one started for Concord before sunrise Sunday morning. He arrived about an hour too late to find the object of his visit alive. He stood in the chamber, gazing earnestly on the face of his old friend, and exclaimed, "He has passed safe over. I have n't a doubt of it. He was an Israelite indeed, in whom there was no guile."

But the best memorial of Samuel Hoar will be found in the two sketches by Ralph Waldo Emerson, noble and faithful as faces of Vandyke. One of them ends with this verse:—

“ With beams December planets dart,
His cold eye truth and conduct scanned;
July was in his sunny heart,
October in his liberal hand.”

ORATION

DELIVERED BY

GEORGE F. HOAR,

OF MASSACHUSETTS,

APRIL 7, 1888,

AT

THE CELEBRATION OF THE CENTENNIAL

OF THE

FOUNDING OF THE NORTHWEST,

AT

MARIETTA, OHIO.

[SIXTH EDITION].

WORCESTER, MASS.
PRINTED BY CHARLES HAMILTON,
311 MAIN STREET.
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THERE are doubtless many persons in this audience who have gathered here as to their Father's house. They salute their Mother on her birthday with the prayer and the confident hope that the life which now completes its first century may be immortal as liberty. If we were here only to do honor to Marietta—to celebrate the planting of this famous town, coeval with the Republic, seated by the beautiful river, her annals crowded with memories of illustrious soldiers and statesmen—this assemblage would be well justified and accounted for.

But there is far more than this in the occasion. The states which compose what was once the Northwest Territory may properly look upon this as their birthday rather than that on which they were admitted into the Union. The company who came to Marietta with Rufus Putnam April 7, 1788, came to found, not one state, but five, whose institutions they demanded should be settled before they started by an irrevocable compact. These five children, born of a great parentage and in a great time, are, as we count the life of nations, still in earliest youth. Yet they already contain within themselves all the resources of a great empire. Here is the stimulant climate of the temperate zone, where brain and body are at their best. Here will be a population of more than fifteen millions at the next census. Here is an area about equal to that of the Austrian Empire, and larger than that of any other country

in Europe except Russia. Here is a wealth more than three times that of any country on this continent except the Republic of which they are a part—a wealth a thousand times that of Massachusetts, including Maine, a hundred years ago; one-third larger than that of Spain; equal to that of Holland and Belgium and Denmark combined; equal now, I suppose, to that of Italy; already half as great as that of the vast Empire of Russia, with its population of more than a hundred millions, whose possessions cover a sixth part of the habitable globe. Below the earth are exhaustless stores of iron, and coal, and salt, and copper. Above, field, and farm, and forest can easily feed and clothe and shelter the entire population of Europe, with all her empires, kingdoms, and republics.

The yearly product and manufacture of these five states is estimated by the best authorities at from twelve to fifteen hundred millions of dollars. Everything needed for a perfect workshop in all the mechanic and manufacturing arts has nature fashioned and gathered here, within easy reach, as nowhere else on earth. These states had, in 1886, forty-one thousand eight hundred and ninety-three miles of railway; equal, within two hundred miles, to that of Great Britain and France combined; nearly three times that of Austria or Russia, and about twice that of Germany; while mighty rivers and mightier lakes already bear along their borders a commerce rivalling that of the ports of the Old World, to fair cities and prosperous towns, each one of which has its own wonderful and fascinating story. And above all this, and better than all this, man, the noblest growth this soil supplies, descended of a great race, from which he has inherited the love of liberty, the sense of duty, the instinct of honor, is here to relate and celebrate his

century of stainless history. Whatever of these things nature has not given is to be traced directly to the institutions of civil and religious liberty the wisdom of your fathers established; above all, to the great Ordinance. As the great jurist and statesman of Ohio said more than fifty years ago: "The spirit of the Ordinance of 1787 pervades them all." Here was the first human government under which absolute civil and religious liberty has always prevailed. Here no witch was ever hanged or burned. No heretic was ever molested. Here no slave was ever born or dwelt. When older states or nations, where the chains of human bondage have been broken, shall utter the proud boast, "With a great sum obtained I this freedom," each sister of this imperial group—Ohio, Michigan, Indiana, Illinois, Wisconsin—may lift her queenly head with the yet prouder answer "But I was free-born."

They were destined, also, to determine the character and decide the fate of the great Republic of which they are a part, and, through that, of constitutional liberty on earth. In saying this I speak with careful consideration of the meaning of the words. I wish, above all things, on this occasion, to avoid extravagance. I hope that what is said here may bear the examination of students of history in this most skeptical and critical age, and may be recalled on this spot, without a blush, by those who shall come after us, for many a future centennial.

There is no better instance than this of the effect of well-ordered liberty on the fortune of a people. Nature is no respecter of persons in her bounty. The buried race who built yonder mound dwelt here for ages, under the same sky, on the bank of the same river, with the same climate and soil. We know not who

they were. Their institutions and government, their arts and annals, have perished in a deeper oblivion than that which covers the builders of the Pyramids—which moved Sir Thomas Browne to his sublimest utterance: “History sinketh beneath her cloud. The traveller, as he paceth amazedly through these deserts, asketh of her, Who builded them? and she mumbleth something, but what it is he heareth not.” The Indian and the Frenchman dwelt here, but could not hold their place. The growth of city and town and country, the wealth of the soil and the mine, the commerce of lake and river, the happiness and virtue of the fireside, the culture of the college, the three million children at school, the statute book on whose page there is no shame, are due to the great and wise men who gave you, as your birthday gift, universal liberty, universal suffrage, equal rights, and inviolable faith.

There is no obscurity in the date or in the transaction. History pours upon the event its blazing sunlight. We see it, in all its relations, more clearly than it was seen by those who took part in it; more clearly than we behold the events of our own time. No passion disturbs our judgment, leading us either to exaggerate or depreciate. There is room for no feeling in our bosoms to-day but an honorable pride in our ancestry and an honorable love of our country. “It is a tale brief and familiar to all; for the examples by which you may still be happy are to be found, not abroad, men of Athens, but at home.”

History furnishes countless examples in every age of heroic achievement and of great enterprise in war and peace, wisely conducted to successful issue. But the events which men remember and celebrate, which become the household words and stirring memories of

nations, the sacred Olympiads by which time is measured, and from which eras take their date, are those which mark the great advances of Liberty on to new ground which she has held. Such, by unanimous consent of the race to which we belong, are the enactment of Magna Charta, the compact on board the Mayflower, the Declaration of Independence, the adoption of the Constitution of the United States, and later, in our own day, the Proclamation of Emancipation. I believe the event which you celebrate is not behind either of these, whether in good fortune as to time, in the character of the actors, in the wisdom which guided them, or in the far-reaching beneficence of the result.

I am speaking to men who know their own history. I can but repeat—we gather on such occasions but to repeat—familiar stories—

“ Our lips must tell them to our sons,
And they again to theirs.”

You know better than I do the miracle of history which brought the founders of the Northwest to this spot at the precise time when alone they could bring with them the institutions which moulded its destiny. A few years earlier or a few years later and the great Ordinance would have been impossible.

Look for a moment at the forty-eight men who came here a hundred years ago to found the first American civil government, whose jurisdiction did not touch tide-water. See what manner of men they were; in what school they had been trained; what traditions they had inherited. I think you must agree that of all the men who ever lived on earth fit to perform that “ancient, primitive, and heroic work,” the founding of a State, they were the fittest. Puritanism, as a dis-

tinct, vital, and predominant power, endured less than a century in England. It appears early in the reign of Elizabeth, who came to the throne in 1558, and departs at the restoration of Charles II. in 1660. But in that brief time it was the preserver, and may almost be called the creator, of English freedom. The Puritans created the modern English House of Commons. That House, when they took their seats in it, was the feeble and timid instrument of despotism. When they left it, it was what it has ever since been, the strongest, freest, most venerable legislative body the world had ever seen. When they took their seats in it, it was little more than the register of the King's command. When they left it, it was the main depository of the national dignity and the national will. King, and minister, and prelate, who stood in their way they brought to the bar and the block. In that brief but crowded century they had made the name of Englishman the highest title of honor upon earth. A great historian has said "the dread of their invincible army was on all the inhabitants of the Island." He might have added, the dread of their invincible leader was on all the inhabitants of Europe.

Puritanism had not spent itself as a force in England when it crossed the sea with Bradford and Winthrop. What a genius for creating the institutions of liberty and laying deep the foundations of order was in that handful of men who almost at the same instant framed the first written constitution that ever existed and devised the New England town, that unmatched mechanism of local self-government, which has survived every dynasty in Europe and existed for two centuries and a half almost without a change.

The forty-one men who landed from the Mayflower

at Plymouth and the forty-eight men who came down the Ohio in the *Mayflower* to Marietta were of the same race and the same faith. It was one hundred and sixty-eight years from the planting of the Puritan Commonwealth to the founding of the great Northwest, destined so soon to become, and, as it seems, forever to remain, the seat and centre of empire on this continent. But in the meantime that faith had been broadened, and softened, and liberalized. The training of the race in that mighty gymnasium had changed the spirit of English Puritanism into the spirit of American liberty.

To Americans there is no more delightful and instructive study than to trace the hand of a divine Providence in that age-long development of the capacity to take their full and leading part in the achievement of independence, in building the states, in laying the foundation of empire in the little English sect, contending at first only for bare toleration. See how the Power which planted the coal, whose subtle chemistry gets ready the iron for the use of the new race, which dismisses the star on its pathway through the skies, promising that in a thousand years it shall return again true to its hour, and keeps his word, gets his children ready that they shall not fail in the appointed time for the fulfillment of his high design.

First. The history of the men who founded Ohio and of their ancestors since they landed at Plymouth and Salem was essentially a military history. It was a training which developed, more than any other, the best quality of the individual soldier, whether for command or for service. There never was West Point education like that of this military school. Lord Chatham declared to the House of Lords in 1777:

“America has carried you through four wars, and will now carry you to your death. I venture to tell your Lordships that the American gentry will make officers fit to command the troops of all the European powers.”

To many of them it was a life under arms. Every boy was a sharpshooter. The Indian wars, where, as Fisher Ames said, heroes are not celebrated, but are formed; the great struggle with France, from whose glory and victory your fathers were never absent, of which a continent was the prize; the great wars of William and Mary and Queen Anne; Fort Edward; William Henry; Crown Point; Martinique; the Havana; twice-captured Louisburg, which they took the second time with its own cannon; Quebec, where they heard the shout of triumph which filled the dying ear of Wolfe, and where at last the lilies went down before the lion, never again, but for a brief period in Louisiana, to float as an emblem of dominion over any part of the American continent,—these were the school-rooms of their discipline. Whatever share others may have taken, the glory of that contest is your fathers' glory; that victory is your fathers' victory. Then came twelve years of hollow and treacherous truce, and then—the Revolution.

Second. It was not to the school of war alone that God put these, his master-builders of States. For a century and a half every man played his part where the most important functions were those managed most directly by the people under a system which, in all domestic affairs, was self-government in everything but name. They introduced all the great social changes which prepared the way for the Republic and made it inevitable. As has already been said, they adopted

the first written social compact and devised the town system. They also abolished primogeniture, which act, Mr. Webster declared, "fixed the future frame and form of their government." DeTocqueville says: "The law of descent was the last step to equality. When the legislator has regulated the law of inheritance he may rest from his labor. The machine once put in motion will go on for ages and advance, as if self-guided, towards a given point." They established universal education. They incorporated into their state the ancient customs of Kent, by virtue of which every child was born free and the power asserted to devise estates free from all feudal burdens. They also abolished entails.

Third. During this whole time the resources of a skilful statesmanship were taxed to the utmost to maintain their free institutions against the power of England, where every dynasty in turn—Stuart; Cromwell, Hanover—looked jealously upon the infant Commonwealths. The Massachusetts charter conferred upon the colony the power only of making laws not repugnant to the laws of England, and reserved a veto to the crown. The Puritan magistrates shrewdly resisted the desire of their people for a code and contrived that these great changes should, as far as might be, be introduced as customs, so as not to be submitted to the authorities in England. The Massachusetts Body of Liberties was sent about from town to town in manuscript, and was never printed until 1843. There was never a time when the mighty power of England was not a menace to our ancestors, from the first settlement throughout the whole of that long strife which did not really come to an end until Jay's treaty and Anthony Wayne's victory on the Maumee in 1794.

Fourth. They had a religious belief which held that the law of God was the supreme practical rule in the conduct of states. However narrow and bigoted at times in its application, we find throughout their history a conscientious and reverent endeavor to govern their Commonwealth by this rule. Thus the theological discussions in which they delighted, the constant consideration of the relation of man to his Creator and to the supreme law of duty became blended with that of their natural rights and their rights under the charter and the British constitution and of the true boundary which separates liberty and authority in the State. So, when the time for independence came, they had decided the Revolution in their great debate before a gun was fired. It is said the cannon of the Union armies in the late war were shotted with the reply to Hayne. The ammunition of the Continental soldiery in the earlier war for freedom came from the discussion of the pulpit and the farmer's fireside.

Fifth. There would have been at best but a provincial and narrow character had New England alone furnished the theatre on which the scene was to be acted. The great drama of the Revolution brought her people under an influence to which they owe more than they have always acknowledged. I mean that of their allies and compatriots of the other colonies, who were their associates in that mighty struggle, especially that of Virginia. John Jay and Alexander Hamilton, Benjamin Franklin and Gouverneur Morris, John Dickinson and Luther Martin were new and powerful teachers to the little communities, who, with every faculty of intellect and heart, were studying the fundamental principles of political science under Otis and the Adamses. But there now rose upon their sky the great Virginia

constellation. If Virginia were held to the Union by no other tie, she is forever bound to it by that tie ever strongest to a generous spirit, the benefits she has conferred upon it. We shall see how her example of self-denial made possible the event we celebrate, and how the wisdom of her statesmen gave the event its character of far-reaching and perpetual beneficence. The teachers of New England now brought their pupils from the school where they had so well learned the principles of natural right and civil liberty to the great university where they were to take their degree in the building of states and framing constitutions under Washington and Jefferson, and Patrick Henry and Madison, and the Lees and Marshall. Within twelve years before the settlement at Marietta eleven of the thirteen states formed their constitutions. The convention that framed the Constitution of the United States was in session when the Ordinance of 1787 was passed.

Sixth. This is by no means all. There is something more than the love of liberty—something more than the habit of successful resistance to oppression and the courage and power to assert the rights of mankind—needed to fit men to construct great states on sure foundations. The generation which was on the stage when the Northwest was planted had received another lesson. They had been taught the necessity of strengthening their political institutions, so that they should afford due security for property and social order and enable government to exert promptly the power needed for its own protection, without which it cannot long endure. Shays's insurrection in Massachusetts in 1787 was inspired mainly by the desire to prevent the enforcement of debts by the courts. To it was doubt-

less due the clause in the Ordinance of 1787—inserted also in the Constitution—forbidding the passage of any law impairing the obligation of contracts. The disrespect with which the Continental Congress is sometimes spoken of is most unjust. Its want of vigor was due to the limitation put upon its powers by the states, and to no want of wisdom or energy in its members. That body will ever hold a great place in history—if it had done nothing else—which declared Independence, which called Washington to the chief command, which begun its labors with the great state papers which Chatham declared surpassed the masterpieces of antiquity, and ended them with the Ordinance of 1787. But the states, jealous of all authority but their own, refused to confer on Congress the essential power of taxation and the means to enforce its own resolves. The effect of this short-sighted jealousy, in increasing and prolonging the burden of the war and in lowering the national character with foreign nations after it was over, the people had learned, to their great cost. From all this experience there had come to the men who were on the stage in this country in 1787 an aptness for the construction of constitutions and great permanent statutes such as the world never saw before or since. Their supremacy in this respect is as unchallenged as that of the great authors of the reign of Elizabeth in the drama.

Governor Stoughton said in 1668 that “God sifted a whole nation that he might send choice grain over into this wilderness.” The quality of the grain continued to improve under his care. Never did the great husbandman choose his seed more carefully than when he planted Ohio. I do not believe the same number of persons fitted for the highest duties and responsibilities of war

and peace could ever have been formed in a community of the same size as were among the men who founded Marietta in the spring of 1788, or who joined them within twelve months thereafter. "Many of our associates," said Varnum, on the first 4th of July, "are distinguished for wealth, education and virtue; and others, for the most part, are reputable, industrious, well-informed planters, farmers, tradesmen, and mechanics." "No colony in America," said Washington, "was ever settled under such favorable auspices as that which has just commenced at the Muskingum. Information, property, and strength will be its characteristics. I know many of the settlers personally, and there never were men better calculated to promote the welfare of such a community." "The best men in Connecticut and Massachusetts," writes Carrington to James Monroe, "a description of men who will fix the character and politics throughout the whole territory, and which will probably endure to the latest period of time." "I knew them all," cried Lafayette, when the list of nearly fifty military officers, who were among the pioneers, was read to him in Marietta, in 1825, the tender memories of forty years thronging his aged bosom—"I knew them all. I saw them at Brandywine, Yorktown, and Rhode Island. They were the bravest of the brave." Washington and Varnum, as well as Carrington and Lafayette, dwell chiefly, as was Washington's fashion, upon the personal quality of the men and not upon their public offices or titles. Indeed, to be named with such commendation, upon personal knowledge, by the cautious and conscientious Washington, was to a veteran soldier better than being knighted on the field of battle. They were the very best specimens of the New England character that could be found. They

were among the most steadfast, constant, liberty-loving men that ever lived. Self-government had become to them a prime necessity of life; but it was that self-government, the sublimest thing in the universe except its creator, by which a human will governs itself in obedience to a law higher than its own desire. They were men of a very sincere and simple religious faith. The belief in a personal immortality, that hope's perpetual breath, without which no gift of noblest origin ever cometh to man or nation, was to them a living reality. The scene which Burns describes in the *Cotter's Saturday Night*, from which he says "Old Scotia's grandeur springs," was of nightly occurrence in the cabins of these soldiers and Indian-fighters.

The little company contained many military officers of high rank, men who had performed important exploits in war, friends and associates of Washington and Lafayette, and statesmen who had been leaders of the people in the days before the Revolution. If that assembly had been called, in the Providence of God, to assert the rights of Englishmen, as did the barons of *Magna Charta*; or to make an original social compact, as did the men on board the *Mayflower*; or to found towns and create a body of liberties and customs, as did the men of from 1620 to 1650; or to state the case between the fundamental rights of human nature and King George, as did the men of the Declaration in 1776; or to conduct and lead and plan a great defensive war, or to fashion a constitution for State or nation, they would have been equal to the task.

There are many names that rise to the lips to-day. The settlers are not here. But their children are here. The men who knew them, or who have heard their story from the lips of fathers and mothers who knew

them, are here. Your hearts are full of their memories. The stately figures of illustrious warriors and statesmen, the forms of sweet and comely matrons, living and real, as if you had seen them yesterday, rise before you now. Varnum, than whom a courtlier figure never entered the presence of a Queen—soldier, statesman, scholar, orator—whom Thomas Paine, no mean judge, who had heard the greatest English orators in the greatest days of English eloquence, declared the most eloquent man he had ever heard speak; Whipple, gallant seaman as ever trod a deck—a man whom Farragut or Nelson would have loved as a brother; first of the glorious procession of American naval heroes; first to fire an American gun at the flag of England on the sea; first to unfurl the flag of his own country on the Thames; first pioneer of the river commerce of the Ohio to the Gulf; Meigs, hero of Sagg Harbor, of the march to Quebec, of the storming of Stony Point—the Christian gentleman and soldier, whom the Cherokees named the White Path in token of the unflinching kindness and inflexible faith which had conveyed to their darkened minds some not inadequate conception of the spirit of Him who is the Way, the Truth and the Life; Parsons, soldier, scholar, judge; one of the strongest arms on which Washington leaned; who first suggested the Continental Congress; from the story of whose life could almost be written the history of the Northern war; the chivalric and ingenious Devol, said by his biographer to be “the most perfect figure of a man to be seen amongst a thousand;” the noble presence of Sproat; the sons of Israel Putnam and Manasseh Cutler; Fearing, and Greene, and Goodale, and the Gilnans; Tupper, leader in church and state—the veteran of a hundred exploits, who seems, in the

qualities of intellect and heart, like a twin brother of Rufus Putnam; the brave and patriotic, but unfortunate St. Clair, first Governor of the Northwest, president of the Continental Congress—the mighty shades of these heroes and their companions pass before our eyes, beneath the primeval forest, as the shades of the Homeric heroes before Ulysses in the land of asphodel. But no fable mingles with their story. No mythical legend of encounter with monster or dragon or heathen god exaggerates their heroism. There is no tale of she-wolf nurse, whose milk blended with the blood of their leader. The foe whose war-whoop woke the sleep of the cradle on the banks of the Muskingum needed no epic poet to add to his terrors. The she-wolf that mingled in your fathers' life was a very real animal. These men are in the full light of history. We can measure them, their strength and their weakness, with the precision of mathematics. They are the high-water mark of the American character thus far. Let their descendants give themselves up to the spirit of this great patriotic occasion and to the contemplation of their virtues, to form a reservoir of heroic thought and purpose to be ready when occasion comes.

It is said the founders were deceived and did not select the best place for their settlement. But it seemed a paradise to men from New England. Drowne, in the first anniversary oration, on the 7th of April, the day which the founders resolved should be “forever observed as a day of public festival in the territory of the Ohio Company,” declared that “then this virgin soil received you first, alluring from your native homes by charms substantial and inestimable;

“ A wilderness of sweets; for Nature here
 Wantoned as in her prime, and played at will
 Her virgin fancies, pouring forth more sweet,

Wild above rule or art; the gentle gales
 Fanning their odoriferous wings, dispense
 Native perfumes, and whisper whence they stole
 Those balmy spoils."

The exuberant eloquence of Varnum also failed him. He, too, could find nothing less than Milton's picture of Eden to express his transports.

As I have read the story of these brave men—of some of them for the first time—in the sober pages of Hildreth, the historian of the Pioneers, I could not help applying to Ohio the proud boast of Pericles concerning Athens: "Athens alone among her contemporaries is superior to the report of her. Of how few Hellenes can it be said, as of them, that their deeds, when weighed in the balance, have been found equal to their fame."

But what can be said which shall be adequate to the worth of him who was the originator, inspirer, leader and guide of the Ohio settlement from the time when he first conceived it in the closing days of the Revolution until Ohio took her place in the Union as a free state, in the summer of 1803? Every one of that honorable company would have felt it as a personal wrong had he been told that the foremost honors of this occasion would not be given to Rufus Putnam. Lossing calls him "the Father of Ohio." Burnett says "he was regarded as their principal chief and leader." He was chosen the superintendent at the meeting of the Ohio Company, in Boston, November 21st, 1787, "to be obeyed and respected accordingly." The agents of the company voted in 1789 that the 7th of April, the day on which, as they say, "Gen. Putnam commenced the settlement in this country, be forever observed as a day of public festival." Harris dedicates the documents collected in his appendix to Rufus

Putnam, "the founder and father of the State." He was a man after Washington's own pattern and after Washington's own heart; of the blood and near kindred of Israel Putnam, the man who "dared to lead where any man dared to follow." Like so many of the ablest men of his time, he was his own teacher. His passion for knowledge, especially mathematics and engineering, overcame the obstacle of early poverty. He was a veteran of the old French war, where his adventures sound like one of Cooper's romances. He was made Lieutenant-Colonel of a Worcester County regiment at the outbreak of the Revolution and joined the camp at Cambridge just after the battle of Lexington. His genius as an engineer was soon disclosed. He was, as Washington expressly and repeatedly certified, the ablest engineer officer of the war, whether American or Frenchman. He was soon called by a council of generals and field officers to direct the construction of a large part of the works on which the position of the army besieging Boston depended. He told Washington he had never read a word on that branch of science. But the chieftain would take no denial. He performed his task to the entire satisfaction of his commander, and was soon ordered to superintend the defenses of Providence and Newport.

One evening in the winter of 1776 Putnam was invited to dine at headquarters. Washington detained him after the company had departed to consult him about an attack on Boston. The general preferred an entrenchment on Dorchester Heights, which would compel Howe to attack him and risk another Bunker Hill engagement with a different result, to marching his own troops over the ice to storm the town. But the ground was frozen to a great depth and resisted the

pick-axe like solid rock. Putnam was ordered to consider the matter, and if he could find any way to execute Washington's plan to report at once. He himself best tells the story of the accident—we may almost say the miracle—by which the deliverance of Massachusetts from the foreign invader, a veteran British army eleven thousand strong, was wrought by the instrumentality of the millwright's apprentice:

“I left headquarters in company with another gentleman, and on the way came by that of General Heath. I had no thought of calling till I came against his door, when I said, ‘Let us call on General Heath,’ to which the gentleman agreed. I had no other motive than to pay my respects to the general. When there, I cast my eye on a book which lay on the table lettered on the back ‘Muller’s Field Engineer.’ Immediately I requested the general to lend it to me. He denied me. I repeated my request. He again refused, saying he never lent his books. I then told him that he must recollect that he was one who, at Roxbury, in a manner compelled me to undertake a business on which, at the time, I confessed I had never read a word, and that he must let me have the book. After a few more excuses on his part and pressing on mine I obtained the loan of it.”

In looking at the table of contents his eye was caught by the word “chandelier,” a new word to him. He read carefully the description and soon had his plan ready. The chandeliers were made of stout timbers, ten feet long, into which were framed posts five feet high and five feet apart, placed on the ground in parallel lines and the open spaces filled in with bundles of fascines, strongly picketed together, thus forming a movable parapet of wood instead of earth, as heretofore done. The men were immediately set to work in the

adjacent apple orchard and woodlands cutting and bundling up the fascines and carrying them with the chandeliers onto the ground selected for the work. This was done in a single night.

When the sun went down on Boston on the 4th of March Washington was at Cambridge, and Dorchester Heights as nature or the husbandman had left them in the autumn. When Sir William Howe rubbed his eyes on the morning of the 5th he saw through the heavy mist the entrenchments, on which, he said, the rebels had done more work in a night than his whole army would have done in a month. He wrote to Lord Dartmouth that it must have been the employment of at least twelve thousand men. His own effective force, including seamen, was but about eleven thousand. Washington had but fourteen thousand fit for duty. "Some of our officers," said the *Annual Register*—I suppose Edmund Burke was the writer—"acknowledged that the expedition with which these works were thrown up, with their sudden and unexpected appearance, recalled to their minds the wonderful stories of enchantment and invisible agency which are so frequent in the Eastern romances." Howe was a man of spirit. He took the prompt resolution to attempt to dislodge the Americans the next night before their works were made impregnable. Earl Percy, who had learned something of Yankee quality at Bunker Hill and Lexington, was to command the assault. But the Power that dispersed the Armada baffled all the plans of the British general. There came "a dreadful storm at night," which made it impossible to cross the bay until the American works were perfected.

We take no leaf from the pure chaplet of Washington's fame when we say that the success of the first

great military operation of the Revolution was due to Rufus Putnam. The Americans, under Israel Putnam, marched into Boston, drums beating and colors flying. The veteran British army, aided by a strong naval force, soldier and sailor, Englishman and Tory, sick and well, bag and baggage, got out of Boston before the strategy of Washington, the engineering of Putnam, and the courage of the despised and untried yeomen, from whose leaders they withheld the usual titles of military respect. "It resembled," said Burke, "more the emigration of a nation than the breaking up of a camp."

But it is no part of our task to-day to narrate the military service of General Putnam, although that includes the fortification of West Point, an important part in the capture of Burgoyne, and an able plan, made at the request of Washington, for putting the army on a peace establishment and for a chain of fortified military posts along the entire frontier. We have to do only with the entrenchments constructed under the command of this great engineer for the constitutional fortress of American liberty.

Putnam removed his family to Rutland, Worcester county, Massachusetts, early in 1780. His house is yet standing, about ten miles from the birthplace of the grandfather of President Garfield. He returned himself to Rutland when the war was over. He had the noble public spirit of his day, to which no duty seemed trifling or obscure. For five years he tilled his farm and accepted and performed the public offices to which his neighbors called him. He was representative to the General Court, selectman, constable, tax collector, and committee to lay out school lots for the town; State surveyor, commissioner to treat with the Penob-

scot Indians, and volunteer in putting down Shays's rebellion. He was one of the founders and first trustees of Leicester Academy and, with his family of eight children, gave from his modest means a hundred pounds toward its endowment.

But he had larger plans in mind. The town constable of Rutland was planning an empire. His chief counsellor in his design was his old leader and friend, George Washington. Washington had been interested in the settlement of the Northwest, and in connecting it with the Atlantic by land and water routes, almost from boyhood. His brothers, Lawrence and Augustine, were members of the first Ohio Company in 1748. He was himself a large landowner on the Ohio and the Kanawha.

Before the army broke up a petition of two hundred and eighty-eight officers, of which Putnam was the chief promoter, was sent by him to Washington, to be forwarded to Congress, for a grant of lands north and northwest of the river Ohio to the veterans of the army in redemption of the pledges of Congress; and, further, for sales to such officers and soldiers as might choose to become purchasers on a system which would effectually prevent the monopoly of large tracts. A year later Putnam renews his urgent application to Washington for aid in his project, to which he says he has given much time since he left the army. He asks the General to recommend to him some member of Congress with whom he can directly correspond, as he does not like even to hint these things to the delegates from Massachusetts, though worthy men. She is forming plans to sell her eastern lands. Washington answers that he has exerted every power with Congress that he is master of, and had dwelt upon Putnam's

argument for a speedy decision, but Congress adjourned without action.

In 1785 Congress appointed General Putnam one of the surveyors of northwestern lands. He says, in his letter accepting the office, that "a wish to promote emigration from among my friends into that country and not the wages stipulated is my principal motive." He was compelled by his engagements with Massachusetts to devolve the duty upon General Tupper as a substitute. Tupper could not get below Pittsburg in the season of 1785. He came back to Massachusetts in the winter with such knowledge of the country as he had gained, and reported to Putnam at Rutland on the 9th of January, 1786. The two veterans sat up together all night. At daybreak they had completed a call for a convention to form a company. It was to all officers and soldiers of the late war and all other good citizens residing in Massachusetts who might wish to become purchasers of lands in the Ohio country. It was to extend afterward to the inhabitants of other states "as might be agreed on." The convention was held at the Bunch of Grapes in Boston, March 1, 1786; chose a committee, of which Putnam was chairman, to draft a plan for their organization, and so the Ohio Company was begun. The year was spent in obtaining the names of the associates. They were men of property and character, carefully selected, who meant to become actual residents in the new country. They were men to whom the education, religion, freedom, private and public faith which they incorporated in the fundamental compact of Ohio were the primal necessities of life. In 1787 the directors appointed Putnam superintendent of all their affairs. In the winter everything was ready. Putnam went out from his simple

house in Rutland to dwell no more in his native Massachusetts. It is a plain wooden dwelling, perhaps a little better than the average of the farmers' houses of New England of that day. Yet about which of Europe's palaces do holier memories cling? Honor, and Fame, and Freedom, and Empire, and the Fate of America went with him as he crossed the threshold. The rest of his life is, in large part, the history of Marietta and of Ohio; for more than thirty years "The impress of his character," says his biographer, "is strongly marked on the population of Marietta on their buildings, institutions, and manners."

The wise and brave men who settled Marietta would have left an enduring mark, under whatever circumstances, on any community to which they had belonged. But their colony was founded at the precise and only time when they could have secured the constitution which has given the Northwest its character and enabled it, at last, to establish in the whole country the principles of freedom which inspired alike the company of the first and second Mayflower. The glory of the Northwest is the Ordinance of 1787. What share of that glory belongs to the men who founded the Northwest? Were your fathers the architects and designers, as well as the builders, of their State? Was the constitutional liberty which they enjoyed themselves and left to their children their own conception and aspiration or was it conferred by the Continental Congress?

"A gift of that which is not to be given,
By all the blended powers of earth and Heaven."

What was it that applied the spur to the halting Congress whose inaction the whole power of Washington had failed to overcome? The researches of historical scholars have, within a few years, opened to

us for the first time this most interesting chapter of American history.

The firmness and foresight of Maryland forbade her delegates to ratify the articles of confederation until the claims of individual States to the lands north and west of the Ohio river were abandoned for the common benefit. New York set the example. The cession of Virginia was the most marked instance of a large and generous self-denial. It not only gave to the United States a resource for a large payment on the public debt and a large provision for veteran soldiers, but gave the country its first strictly common and national interest and the first subject for the exercise of an authority wholly national.

The necessity was felt for an early provision for a survey and sale of the territory and for the government of the political bodies to be established there. These two subjects were, in the main, kept distinct. Various plans were reported from time to time. Nine committees were appointed on the frame of government and three on the schemes for survey and sale. Thirteen different reports were made at different times; but from September 6, 1780, when the resolution passed asking the states to cede their lands, until July 6, 1787, when Manasseh Cutler, the envoy of the Ohio Company, came to the door, every plan adopted and every plan proposed, except a motion of Rufus King, which he himself abandoned, we now see would have been fraught with mischief if it had become and continued law.

March 1, 1784, the day Virginia's deed of cession was delivered, Jefferson reported from a committee of which he was chairman an ordinance which divided the territory into ten States, each to be admitted into the Union when its population equaled that of the smallest existing

state. He thought, as he declared to Monroe, that if great states were established beyond the mountains they would separate themselves from the confederacy and become its enemies. His ordinance, when reported, contained a provision excluding slavery after 1800. This was stricken out by the Congress. It is manifest, from subsequent events that, under it, the territory would have been occupied by settlers from the South, with their slaves. It would have been impossible to exclude the institution of slavery if it had once got footing. With or without his proviso, the scheme of Mr. Jefferson would have resulted in dividing the territory into ten small slave-holding states. They would have come into the Union with their twenty votes in the Senate. Their weight would have inclined the scale irresistibly. The American Union would have been a great slave-holding empire. This proposal, so amended, became law April 23, 1784, and continued in force until repealed by the Ordinance of 1787. It contained no republican security except a provision that the government of the states should be republican.

March 16, 1785, Rufus King, at the suggestion of Timothy Pickering, offered a resolve that there should be no slavery in any of the states described in the resolve of 1784. This was sent to a committee of which he was chairman. He reported it back, so amended as to conform to Jefferson's plan for postponing the prohibition of slavery until after 1800, and with a clause providing for the surrender of fugitive slaves; but it was never acted on.

May 7, 1784, Jefferson reported an ordinance for ascertaining the mode of locating and disposing of the public lands. This was recommitted, amended, and finally adopted. Congress rejected the proposition to

reserve lands for religious purposes, but retained a provision for schools. It contained also a clause that the lands should pass in descent and dower, according to the custom of gavelkind, until the temporary government was established.

In 1786 a new committee was raised to report a new plan for the government of the territory. This committee made a report which provided that no state should be admitted from the Western territory until it had a population equal to one-thirteenth of the population of the original states at the preceding census. This would have kept out Ohio till 1820, Indiana till 1850, Illinois till 1860, Michigan till 1880, and Wisconsin till after 1890. The seventh Congress expired while this report was pending. It was revived in the eighth. The clause which would have so long postponed the admission of the states was probably stricken out, though this is not quite certain. But there was little of value in the whole scheme. It contained no barrier against slavery.

This was the state of things when Manasseh Cutler came into the chamber on the morning of July 6, 1787, bearing with him the fate of the Northwest. He had left Boston on the evening of June 25, where on that day he records in his diary—

“I conversed with General Putnam, and settled the principles on which I am to contract with Congress for lands on account of the Ohio Company.”

He was probably the fittest man on the Continent, except Franklin, for a mission of delicate diplomacy. It was said just now that Putnam was a man after Washington's pattern and after Washington's own heart, Cutler was a man after Franklin's pattern and after Franklin's own heart. He was the most learned naturalist in America, as Franklin was the greatest master in

physical science. He was a man of consummate prudence in speech and conduct; of courtly manners; a favorite in the drawing-room and in the camp, with a wide circle of friends and correspondents among the most famous men of his time. During his brief service in Congress he made a speech on the judicial system, in 1803, which shows his profound mastery of constitutional principles.

It now fell to his lot to conduct a negotiation second only in importance in the history of his country to that which Franklin conducted with France in 1778. Never was ambassador crowned with success more rapid or more complete.

On the 9th of July the pending ordinance was committed to a new committee—

Edward Carrington, of Virginia;
 Nathan Dane, of Massachusetts;
 Richard Henry Lee, of Virginia;
 John Kean, of South Carolina;
 Melancthon Smith, of New York.

They sent a copy of the ordinance which had come over from the last Congress to Dr. Cutler, that he might make remarks and prepare amendments. He returned the ordinance, with his remarks and amendments, on the 10th. The ordinance was newly modeled and all Cutler's amendments inserted, except one relating to taxation, "and that," he says, "was better qualified." It was reported to Congress on the 11th. The clause prohibiting slavery, which had not been included because Mr. Dane "had no idea the states would agree to it," was, on his motion, inserted as an amendment, and on the 13th the greatest and most important legislative act in American history passed unanimously, save a single vote. But one day intervened between the day of the

appointment of the committee and that of their report. Cutler returned the copy of the old ordinance with his proposed amendments on one day. The next, the committee reported the finished plan. But two days more elapsed before its final passage.

The measure providing for the terms of the sale to the Ohio Company was passed on the 27th of the same July. Cutler was master of the situation during the whole negotiation. When some of his conditions were rejected he "paid his respects to all the Members of Congress in the city, and informed them of his intention to depart that day, and, if his terms were not acceded to, to turn his attention to some other part of the country." They urged him "to tarry till the next day and they would put by all other business to complete the contract." He records in his diary that Congress "came to the terms stated in our letter without the least variation."

From this narrative I think it must be clear that the plan which Rufus Putnam and Manasseh Cutler settled in Boston was the substance of the Ordinance of 1787. I do not mean to imply that the detail or the language of the great statute was theirs. But I cannot doubt that they demanded a constitution, with its unassailable guaranties for civil liberty, such as Massachusetts had enjoyed since 1780 and such as Virginia had enjoyed since 1776, instead of the meagre provision for a government to be changed at the will of Congress or of temporary popular majorities, which was all Congress had hitherto proposed, and this constitution secured by an irrevocable compact, and that this demand was an inflexible condition of their dealing with Congress at all. Cutler, with consummate wisdom, addressed himself, on his arrival, to the representatives of Virginia. Jeffer-

son had gone to France in July, 1784, but the weight of his great influence remained. King was in Philadelphia, where the Constitutional Convention was sitting. It was Carrington, of Virginia, who brought Cutler onto the floor. Richard Henry Lee had voted against King's motion to commit his anti-slavery proviso, but the first mover of the Declaration of Independence needed little converting to cause him to favor anything that made for freedom. William Grayson, of Virginia, early and late, earnestly supported the prohibition of slavery, and, when broken in health, he attended the Virginia Legislature in 1788 to secure her consent to the departure from the condition of her deed of cession, which the Ordinance of 1787 effected. Some of the amendments upon the copy of the ordinance now preserved are in his handwriting. To Nathan Dane belongs the immortal honor of having been the draftsman of the statute and moving the anti-slavery amendment. His monument has been erected, in imperishable granite, by the greatest of American architects among the massive columns of the great argument in reply to Hayne. But the legislative leadership was Virginia's. From her came the great weight of Washington, in whose heart the scheme of Rufus Putnam for the colonization of the West occupied a place second only to that of the Union itself. Hers was the great influence of Jefferson, burning with the desire that his country in her first great act of national legislation should make the doctrines of the Declaration of Independence a reality. From her came Carrington, chairman of the committee; Lee, its foremost member, and Grayson, then in the chair of the Congress, who, Mr. Bancroft says, "gave, more than any other man in Congress, efficient attention to the territorial question, and whose record against slavery is

clearer than that of any other Southern man who was present in 1787."

And let us remember with gratitude, on this anniversary, that when, in 1824, the plan to call a convention in Illinois to sanction the establishment of slavery there was defeated by a majority of sixteen hundred votes, it was to Governor Edward Coles, a son of Virginia, the old friend of Jefferson and Madison, that the result was largely due; and when, in 1803, the convention of the Indiana Territory petitioned Congress for the repeal of the sixth clause of the Ordinance of 1787, it was a Virginian voice, through the lips of John Randolph, whose name and blood are so honorably represented here to-day, that denied the request.

The Ohio Company might well dictate its own terms, even in dealing with the far-sighted statesmen of 1787. The purchase and settlement of this large body of the public lands removed from their minds several subjects of deepest anxiety. It afforded a provision for the veterans of the war. It extinguished a considerable portion of the public debt. It largely increased the value of the rest of the public domain. It placed the shield of a settlement of veteran soldiers between the frontiers of New York, Pennsylvania, and Virginia and the most dangerous and powerful Indian tribes on the continent. It secured to American occupation a territory on which England, France, and Spain were still gazing with eager and longing eyes—in which England, in violation of treaty obligation, still held on to her military posts, hoping that the feeble band of our Union would break in pieces. It removed a fear, never absent from the minds of the public men of that day, that the western settlers would form a new confederacy and seek an alliance with the power that held the outlet of the Missis-

issippi. The strength of this last apprehension is shown in the confidential correspondence of Washington. He twice refers to it in his farewell address—once where he warns the West against “an apostate and unnatural connection with any foreign power,” and again, where he urges them “henceforth to be deaf to those advisers, if such there are, who would sever them from their brethren and connect them with aliens.”

Congress had nowhere else to look for these vital advantages if the scheme of Putnam and his associates failed. They, on the other hand, would buy all the land they wanted of New York or Massachusetts on their own terms. It is no wonder, then, that the Congress which in seven years had got no further than the Jefferson statute of 1784, and which had struck out of it the anti-slavery proviso, came in four days to the adoption of the Ordinance of 1787 with but one dissenting vote.

It will not be expected that I should undertake, within the limits of this discourse, to dwell in detail upon the provisions of the Ordinance of 1787 and the benefit they have conferred upon the region over which they have extended. Known throughout this country wherever American history is known, wherever men value constitutional liberty, they are familiar as household words to the men who are assembled here. They are, in some important respects, distinguished above all the other great enactments which lie at the foundation of human societies. If there be anything for which Daniel Webster is distinguished among great orators, it is the discretion and moderation of his speech. He never sought to create an impression or give an emphasis by overstatement. It was well said of him by another native of New England, whose fame as a great public teacher equals his own: “His weight was like the falling

of a planet; his discretion, the return of its, due and perfect curve." Mr. Webster declared, in a well-known passage: "We are accustomed to praise the lawgivers of antiquity; we help to perpetuate the fame of Solon and Lycurgus, but I doubt whether one single law of any lawgiver, ancient or modern, has produced effects of more distinct, marked, and lasting character than the Ordinance of 1787."

The founders of the Northwest and the framers of the Ordinance meant to put its great securities beyond the reach of any fickleness or change in popular sentiment unless by a revolution which should upheave the foundations of social order itself. They made the six articles "Articles of compact between the original states and the people and states in the said Territory, to forever remain unalterable unless by common consent." They were to have the force which the philosophers of that day attributed to the original social compact, to which they ascribed the origin of all human society. Three parties, the original states, the new states, and the people, made the compact. This compact was to attend these communities forever, unalterable save by the consent of all three, under whatever new constitutional arrangements they might come. There is the highest contemporary authority for the opinion that these articles would never be affected by ordinary constitutional changes in the states. "It fixed forever," said Mr. Webster, "the character of the population in the vast regions northwest of the Ohio by excluding from them involuntary servitude. It impressed on the soil itself, while it was yet a wilderness, an incapacity to sustain any other than freemen. It laid the interdict against personal servitude in original compact, not only deeper than all local law, but deeper, also, than all local consti-

tutions.”. These great and perpetual blessings your fathers found awaiting them when they took possession of their new homes, beneficent as the sky, or the climate, or the soil, or the river, to endure so long as the sky shall send down its influence or the Ohio continue to flow.

While a portion of the second article reaffirms the great securities which are of English origin, and are found in Magna Charta and the Bill of Rights, the larger part are originally and exclusively American. The student of constitutional law will find there all he will need for an ample and complete understanding of the difference between the genius of the limited monarchy of England and the genius of American Liberty.

For the first time in history the Ordinance of 1787 extended that domain from which all human government is absolutely excluded by forbidding any law interfering with the obligation of good faith between man and man. This provision, adopted afterward in substance in the Constitution of the United States, and thereby made binding as a restraint upon every state, is the security upon which rests at last all commerce, all trade, all safety in the dealing of men with each other. To-day its impregnable shield is over the dealing of sixty millions of people with each other and with mankind.

I have described very imperfectly the education, extending over two centuries, which fitted your fathers for the great drama to be enacted here. Equally wonderful is the series of events which kept the soil of the Ohio territory untouched until they were ready to occupy it. France, in 1775, rejected an offer made her by England that England would give up all her claim west of a line from the mouth of French Creek twenty leagues up that stream toward Lake Erie and from the same point direct to the last mountains of Virginia

which should descend toward the ocean. France was to retain Canada and her settlements on the Illinois and Wabash. If this offer had been accepted, the French, who always so skilfully managed the Indians, would have filled the territory with their colonies, and, under whatever sovereignty it had ultimately come, would have impressed their character and institutions on it forever. King George, too, in 1763, at the close of the French war, forbade his governors in America "to grant any warrants of survey or patents for any lands beyond the heads or sources of any of the rivers which fall into the Atlantic ocean from the west or northwest." This shut out the people of Virginia, with their slaves, from all the territory that now forms Ohio.

Again, the controversies between the states as to title prevented its settlement during the Revolution. The fear of Indian hostilities prevented its settlement during the period Mr. Jefferson's ordinance of 1784 was in force. The votes of the Southern States defeated Mr. Jefferson's proviso, under which slavery would surely have gained a footing, and so left the way open for the total exclusion of slavery three years later.

We are not here to celebrate an accident. What occurred here was premeditated, designed, foreseen. If there be in the universe a power which ordains the course of history, we cannot fail to see in the settlement of Ohio an occasion when the human will was working in harmony with its own. The events move onward to a dramatic completeness. Rufus Putnam lived to see the little colony, for whose protection against the savage he had built what he described as the strongest fortification in the United States, grow to nearly a million of people and become one of the most powerful states in the confederacy. The men who came

here had earned the right to the enjoyment of liberty and peace, and they enjoyed the liberty and peace they had earned. The men who had helped win the war of the Revolution did not leave the churches and schools of New England to tread over again the thorny path from barbarism to civilization, or from despotism to self-government. When the appointed hour had come, and

“ God uncovered the land
That he hid of old time in the west,
As the sculptor uncovers the statue
When he has wrought his best,”

then, and not till then, the man also was at hand.

It is one of the most fortunate circumstances of our history that the vote in the Continental Congress was substantially unanimous. Without the accompaniment of the Ordinance the Constitution of the United States itself would have lost half its value. It was fitting that the whole country should share in the honor of that act which, in a later generation, was to determine the fate of the whole country.

We would not forget to-day the brave men and noble women who represented Connecticut and Rhode Island and New Hampshire in the band of pioneers. Among them were Parsons, and Meigs, and Varnum, and Greene, and Devol, and True, and Barker, and the Gilmans. Connecticut made a little later her own special and important contribution to the settlement of Ohio. But Virginia and Massachusetts have the right to claim and to receive a peculiar share of the honor which belongs to this occasion. They may well clasp each other's hands anew as they survey the glory of their work. These two states—the two oldest of the sisterhood—the state which framed the first written constitution, and the state whose founders framed the

compact on the *Mayflower*; the state which produced Washington, and the state which summoned him to his high command; the state whose son drafted the Declaration of Independence, and the state which furnished its leading advocate on the floor; the mother of John Marshall and the mother of the President who appointed him; the state which gave the general, and the state which furnished the largest number of soldiers to the Revolution; the state which gave the territory of the northwest, and the state which gave its first settlers—may well delight to remember that they share between them the honor of the authorship of the Ordinance of 1787. When the reunited country shall erect its monument at Marietta let it bear on one side the names of the founders of Ohio, on the other the names of Jefferson, and Richard Henry Lee, and Carrington, and Grayson, side by side with those of Nathan Dane, and Rufus King, and Manasseh Cutler, beneath the supreme name of Washington. Representatives of Virginia and Massachusetts, themselves in some sense representatives of the two sections of the country which so lately stood against each other in arms, they will bear witness that the estrangements of four years have not obliterated the common and tender memories of two centuries.

This, also, is one of the great events in the world's history which marks an advance of Liberty on to new ground which she has held. We would not undervalue military achievements. Such a paradox, ridiculous anywhere, would be doubly unbecoming here. We stand by the graves of great soldiers of the war of Independence. This is the centennial of the State within whose borders were born Grant, and Sherman, and Sheridan, and Garfield. The men of the Revolution fought that the principles of the Ordinance of 1787 might become

living realities. The great captains of the later war fought that the compact might be kept and forever remain unalterable. The five states of the Northwest sent nearly a million soldiers into the war for the Union, every one of them ready to die to maintain inviolate the fourth article, which declares: "The said territory and the states which may be formed therein shall forever remain a part of this confederacy of the United States of America, subject to the articles of confederation and to such alterations therein as shall be constitutionally made, and to all the acts and ordinances of the United States in Congress assembled conformable thereto." These purposes inspired them when they drew their swords. They laid down their swords when these purposes were accomplished.

It is this that makes the birthday of Ohio another birthday of the nation itself. Forever honored be Marietta as another Plymouth. The Ordinance belongs with the Declaration of Independence and the Constitution. It is one of the three title deeds of American constitutional liberty. As the American youth for uncounted centuries shall visit the capital of his country—strongest, richest, freest, happiest of the nations of the earth—from the stormy coast of New England, from the luxuriant regions of the Gulf, from the lakes, from the prairie and the plain, from the Golden Gate, from far Alaska—he will admire the evidences of its grandeur and the monuments of its historic glory. He will find there rich libraries and vast museums, and great cabinets which show the product of that matchless inventive genius of America, which has multiplied a thousand-fold the wealth and comfort of human life. He will see the simple and modest portal through which the great line of the Republic's chief magistrates have

passed at the call of their country to assume an honor surpassing that of emperors and kings, and through which they have returned, in obedience to her laws, to take their place again as equals in the ranks of their fellow-citizens. He will stand by the matchless obelisk which, loftiest of human structures, is itself but the imperfect type of the loftiest of human characters. He will gaze upon the marble splendors of the Capitol, in whose chambers are enacted the statutes under which the people of a continent dwell together in peace, and the judgments are rendered which keep the forces of states and nation alike within their appointed bounds. He will look upon the records of great wars and the statues of great commanders. But, if he know his country's history, and consider wisely the sources of her glory, there is nothing in all these which will so stir his heart as two fading and time-soiled papers, whose characters were traced by the hand of the fathers a hundred years ago. They are the original records of the acts which devoted this nation forever to equality, to education, to religion, and to liberty. One is the Declaration of Independence, the other the Ordinance of 1787.

WILL

OF

CHARLES HOARE

OF

GLOUCESTER, ENGLAND.

WITH NOTES

BY

GEORGE F. HOAR.

BOSTON :
DAVID CLAPP & SON, PRINTERS,
115 High Street.
1891.



WILL OF CHARLES HOARE OF GLOUCESTER, 1638.

PREROGATIVE COURT OF CANTERBURY. DOCTORS COMMONS.

IN the name of God Almightye Creator of all thinges and in Jesus Christ his deare and only son my most bountifull loveing Saviour and in the blessed spiritt my comforter Amen I Charles Hoare of the Cittie of Gloucester being weake in body but perfect in memory blessed be my good god therefore, Doe hereby declare that my last will and testament as followeth first I bequeath my soule into the handes of God that created it and my deare Saviour that soe dearlie ransom'd it with full confidence thorough his merrittes that after the end of this life it shall rest wth him everlastingly. And my bodie to the earthe from whence it came wth full assurance that at the last daie when my Saviour shall appear in glory it shalbe by his power raised upp to the resurrection of the iust, And for the estate it hath pleased god to lend unto me of the thinges of this world I thus dispose first that with as much convenient speede as may well be all my rentes and debtes sett downe under my hand and all other if any be and can appeare to be dne shalbe paid. Item I give to my brother Thomas Hoare twentie poundes, to my sister Elinor Bailies fortie shillings, to my brother William Hincksman and Walter Hincksman and Edward Hincksman and my sister ffounes twentye shillings a peece in gould, alsoe I give to my brother Thomas Hincksman five poundes and to my servant John Sponar at presberie five markes and to his wife five nobles and to Thomas Prichard my servant fortie shillings and to Thomas Ade my servant tenn shillings. Alsoe I give to Mr. Thomas Vell and to Alderman Hill and Mr. Leonard To[u]ne my brother lawes and my brother for my sake and to good Mr. Workman our faithfull watchman forty shillings. Alsoe I give unto my welbeloved wife Joane Hoare y^e some of three hundred and fiftie poundes and to my sonne John Hoare twoe hundred poundes and to my sonne Daniell Hoare one hundred and fiftie poundes and to my daughter Joane Hoare a hundred poundes and to my son Leonard Hoare one hundred poundes and my will is that my wife shall have the furniture of houshold that I have in all places at her disposing during her life and after to come indifferntlie amongst my children except the goodes at Thornebery w^{ch} was deliuered me by the sheriffe by vertue of an elegit, all w^{ch} I give unto my daughter Margerie Mathewe presentlie after my decease. Alsoe I give unto my sonn Thomas Hoare twentie poundes. Alsoe I give to the said Margery my daughter and her sonne Charles Mathewe twoe hundred poundes and my will is that soe longe as this twoe hundred poundes remains in the stocke which I shall leave (which shalbe till my executors and overseers shall allowe thereof for her good to lett him have it, there shalbe unto her

and her sonne sixteene poundes a yeare quarterly paid and my will and desire is that the stocke I shall leave unto my wife and the foure first named children with the twoe hundred poundes given my daughter shalbe used and employed uppon the three bargaines I have taken at Encombe, Presbery and Slimsbridg and my wife and the foure children to have their maintenance out of it, and my will is that my sonne Leonard shalbe carefullie kept at Schoole and when hee is fitt for itt to be carefullie placed at Oxford, and if y^e Lord shall see fitt, to make him a Minister unto his people and that all y^e charge thereof shalbe discharged out of the proffitt which it shall please god to send out of the stocke and that all the rest of my estate un-bequeathed all debtes and expence being discharged shalbe equallie devided betwene my wife and my twoe sonnes Daniell and John, and Joane, and the profittes of the said stocke to accrewe unto them alsoe untill my executors and my overseers shall agree for their good to lett any of them haue their porcōns for their pr ferment. Only this excepted that my sonne Leonard shall have accrue and dewe unto him out of this estate six poundes a yeare to bee paid unto him by the foresaid hundred poundes when my executors and overseers shall allowe of it to be for his preferment and if anie of my children shall die before they come to make use of their porcōns and my will is that porcōns soe falling out shalbe equallie devided amongst my five children nowe with me and my sonne Thomas aforesaid and if it shall soe happen that the stocke bequeathed be not founde fitt to be imployed as I have directed but I trust y^e Lord will soe blesse that happie trade of life unto them that some of them will never give over but if soe should be then my will is that my executors pay in y^e porcōns unto them if they bee att age or els to paie it in or good securitie to my overseers and my will is that as I have agreed with M^r. Thomas Vell and p^rmisid there shall alwaies be really upon the groundes att Encome which I have taken of him for Eight yeares eight hundred of the best ewes to stand for his securitie untill all rentes and dewes whatsoever shalbe really paid unto him, and nowe deare saviour sprede thy armes of mercie over me purge away my synnes though they are many and greate and my faith weake lett thy power be seene in my weaknes and thy strength in my manifould infirmities keepe me from that evill one and Receive me to thy mercy to whom with god the father and the holie spiritt be all glorie and power and thankes giveinge both nowe and for evermore Amen: this 25th day of Sept. 1638. By me Cha: Hoare: further I give unto my sonne John Hoare fortie poundes more w^{ch} shall accrewe unto him when all the other are satisfied out of the estate.

Admōn granted 21 Dec. 1638—to Joane Hoare the relict

Charles Hoare, of the City of Gloucester, England, died in 1638. His will, now for the first time printed, is dated Sept. 25, 1638. Administration was granted at Doctors Commons to Joane Hoare the relict, Dec. 21, 1638.

Charles Hoare was sheriff of the City of Gloucester in 1634. Gloucester is a county of itself, by grant of Edward Third. In the first year of the reign of Richard Third the civil government of Gloucester was altered, and by charter of the same King it was ordained that, instead of Bailiffs, a Mayor with two Sheriffs and other officers should be annually elected by the twelve Aldermen and "twelve other of the most legal and discreet Burgesses." (Fosbrooke's "Gloucester," p. 414.) Charles Hoare was alderman of the City from 1632 to 1638, and perhaps earlier. In the Calendar of State Papers for 1636-7 is a petition

signed by him that sundry expenses incurred in collecting ship-money may be allowed out of the funds in the hands of the sheriffs, and the remainder paid over "to the now Mayor and Sheriffs."

"Good Mr. Workman, our faithful watchman," mentioned in the will, is John Workman, a native of Gloucestershire, whose persecution by Archbishop Laud was, according to Laud himself, insisted upon more than any other charge at the trial of that prelate. Workman, for certain expressions against the use of images or pictures in churches, and certain expressions against "mixed dancing," was brought before the high commission at Lambeth, suspended from the office and function of the ministry, excommunicated, required to make restitution, condemned in costs of suit, and cast into prison. Mr. Workman afterward taught a school to provide for his numerous family. Laud heard of this, and prohibited him from teaching children. Workman then began to practise physic, but soon after died in great poverty. The Corporation of Gloucester in 1633 granted him an annuity of £20. For this the Mayor, the Town Clerk, and several of the Aldermen were brought before the Council, and prosecuted in the High Commission Court. Mr. Hoare was doubtless one of the offending Aldermen. (Brook's "Puritans," 2: 434.)

Charles Hoare was the son of Charles Hoare who died in Gloucester in 1636. His son Thomas was baptized in the Church of St. Mary de Crypt, 15 June, 1612. The old vault bearing the name "Hoare" is still to be seen under that church. Little more is known with certainty of his pedigree. On the gravestone of his daughter Margaret, and her husband, Rev. Henry Flynt, in the burying-ground at Quincy, it is said that they were both descended from ancient and good families in England. In the Harleian MS. in the British Museum, No. 1543 to 54, is the visitation of the County of Gloucester, by Robert Cooke Clarencieux King at Arms, enlarged with the visitation of the same county in 1623. It contains on one page the arms of Hore of Gloucestershire, but there is no pedigree. The arms are an eagle displayed with two heads within a hordure engrailed. They seem to be the same with those borne by many families of the name in several shires of England and Ireland, with those carved on the gravestone of Daniel Hoar, who died in Concord in 1773, aged 93, who was the great grandson of Charles Hoare of Gloucester, and with those borne on the "tumbler" bequeathed by Usher, the husband of President Hoar's widow, to Bridget, the President's daughter. These arms are also found on a marble tablet in the church at Frampton upon Severn, about seven miles from Gloucester, quartered with the arms of Clifford and Windscombe, and also were formerly on a window of stained glass in Fretherne Lodge, a mansion built by James Clifford, with a design to entertain Queen Elizabeth at Fretherne, about nine miles southwest from Gloucester. The name is found frequently in Gloucestershire during a period extending back nearly to the Conquest. The heiress of Hoar of Gloucestershire married Henry de Clifford of Frampton, temp. Hen. 4. John Le Hore witnesses an ancient deed now in existence of a teneement in Wotton, Gloucestershire, 19 Ed. 2d.

The will of Richard Hoare, of the parish of St. John the Baptist in the City of Gloucester, gentleman, dated Aug. 4, 1618, bequeathes eighteen different houses in the city or county. He was sheriff in 1614. This Richard also by indenture established a trust, still in existence, by which 53 s. annually are paid to the poor.

All the children named in the will of Charles Hoare came to this country with their mother, Joanna, in 1639 or '40, except Thomas. He was probably the eldest. It is very likely that he was the son of another wife, and had been established in business, or was to inherit lands as the eldest son. He is not included in the "five children now with me" mentioned in the father's will, nor is he alluded to in the will of his brother Leonard. The name of Thomas Hoar appears among the early settlers in old Norfolk, Massachusetts, and also in Gloucestershire. But the identity of either of these persons with the son of Charles is not established.

Joanna, the widow, died in Braintree, Sunday, Dec. 20, 1661. She is buried in the old Quincy burial-ground with her son Leonard and his wife and daughter, near the graves of her daughters Mrs. Flynt and Mrs. Quincy. She is the ancestress of many persons who have been eminent in the history of the country.

Daniel returned to England, where he engaged extensively in trade with the colonies. Oct. 2, 1650, he was licensed by the Council of State "to export to New England 300 birding fowling pieces and muskets upon good security that they will not be used to the prejudice of the Commonwealth." He was in Boston in 1653, where he executes a power of attorney to John Hull and John Hoare, and describes himself as of Boston, New England. His son John, then a child, was in New England in 1676, under the care of his uncle Leonard and his aunt.

John settled in Scituate and afterward in Concord. He rescued Mrs. Rowlandson from captivity in 1676, protested vigorously against the evil treatment of the Indians in his day, and had very uncomfortable relations with the authorities. Margery appears from her father's will to have been the widow of a person named Mattheve, and to have had a son named Charles Mattheve. There was a family of that name near Frampton upon Severn and near the hundred of Slynbridge, where Charles Hoare appears to have held lands. She married the Rev. Henry Flynt of Braintree, and died March 10, 1687. Her epitaph states: "She was a gentlewoman of piety, prudence, and peculiarly accomplished for instructing young gentlewomen." She is pleasantly commemorated by her descendant, President John Quincy Adams, in his discourse at Braintree, Aug. 24, 1839.

Joanna became the wife of Col. Edmund Quincy. Leonard was the first graduate of Harvard College to become its president. He took the degree of Doctor of Medicine in England, was settled as a clergyman in Wanstead in Essex, and was ejected for non-conformity about 1662. It is understood that Sir Matthew Hale, who was of Gloucestershire origin, strongly befriended Dr. Hoar. He delivered two sermons on the occasion of the death of Lady Anne, wife of Sir Henry Mildmay, of Wanstead. She was the daughter of Sir Leonard Holiday, Knight and Alderman, of London, and died March 12, 1656. There were at least nine considerable branches of the Mildmay family in Essex about the time of the colonization of New England. One of these was nearly related to the Winthrops. Agnes Winthrop, widow of Adam, the first John Winthrop's grandfather, married Wm. Mildmay, Esq., of Springfield Barnes, and her eldest daughter, Alice Winthrop, subsequently married Thomas Mildmay, the son of her mother's second husband. Mr. Henry Mildmay (first cousin of Governor Winthrop) held the manor of Little Badow, where Hooker taught a school, with John Eliot for his usher. This Sir Henry married a daughter of Brampton Gurdon, of Assington, near Groton in Suffolk, an old friend and neighbor of the Winthrops.

Sir Henry Mildmay, of Wanstead, was the son of Sir Humphrey of Danbury, and second cousin to Sir Henry of Graces. He was patron of the living in Wanstead. After the Restoration Sir Henry's estates were forfeited to the Crown. He was one of the King's judges, and his manor at Wanstead was given by Charles II. to his brother, the Duke of York.

Leonard Hoar's wife, Bridget, was the daughter of John Lisle, the regicide, who was murdered at Lausanne by Royalists. Her mother, Lady Alice Lisle, became the victim of Jeffrey's "bloody assize." She was beheaded in the courtyard at Winchester in 1685. She was convicted of misprision of treason for giving food and shelter to two fugitives from Monmouth's army, although she protested her innocence, and it was a plain violation of law to convict her without first convicting the persons whom she was charged with having aided. Her attainer was reversed on the petition of Mrs. Bridget Hoar and her sister Tryphena Grove, by act of Parliament in the reign of William and Mary. Bridget Hoar had two daughters. One, Tryphena, who died in infancy, is buried at Braintree in the same grave with her parents and her grandmother Joanna. The other married the Rev. Thos. Cotton of London, whose descendants were living in England at the close of the last century, and probably are living there now. The pedigree is given by Mr. Waters in one of his Gleanings. (See REGISTER, 1885, p. 63.) Leonard Hoar's wife Bridget was married again, to Hezekiah Usher. The marriage was an unhappy one. Mrs. Usher left him, and went to England in 1687, and did not return until after his death in 1697.

President Hoar seems to have been a very able man. In the letter to his friend Robert Boyle he was the first person to suggest the modern technical education. He was a friend of Master Samuel Hartlib, to whom Milton addressed his

celebrated tractate. None of the writers on New England history seem to have understood fully the cause of Dr. Hoar's failure in the presidency of Harvard College, which seems to have broken his heart, although it did not destroy the interest of his family in the college, of which his grandson, the Rev. Mr. Cotton, was afterward a generous benefactor. Dr. J. Hammond Trumbull thinks that Dr. Hoar's difficulties were due to the fact that soon after his arrival he connected himself with the new Third Church in Boston, then recently gathered by seceders from the First, who were Synodists or advocates of the half-way covenant, thereby bringing himself into marked opposition to the Governor, a considerable number of the magistrates, all the conservative clergy, and the more influential members of the Corporation of Harvard; and this at a time when (says Cotton Mather) "the whole people of God throughout the Colony were too much distinguished into such as favored the Old Church and such as favored the New Church. (Magn. 5: 83.)

The names of the numerous descendants in this country of Charles and Joanna Hoar, through their son John and their daughters Margery Flint and Joanna Quincy, can be learned from pedigrees and records easily accessible. Besides those bearing the name of Hoar, are the Prescotts, Everts, Baldwins, Gen. Terry, the hero of Fort Fisher, the Quincys and Adamses.

Among the other persons named in the will of Charles Hoar are his wife's brothers, William, Walter, Edward and Thomas Hincksman. This name is written in the records of that period indifferently Hincksman or Henschman. There was a Walter Hincksman who, about that time, was rector of the old church at Matlock in Derbyshire, the place from which Rev. Henry Flynt and his brother Thomas Flynt of Concord came. Thomas Hincksman is in all probability Major Thomas Henschman of Concord, afterward of Chelmsford, well known in the Indian wars. Edmund Hincksman, with Edmund Quincy and Robert Hull, witnessed the power of attorney of Daniel Hoar above referred to. Thomas Hoar, the brother of Charles, is probably the Thomas Hoar who took the degree of Bachelor of Arts at Oxford, and who petitioned the East India Company for employment as a preacher in 1620. Thomas Vell is a person very well known in the public affairs of Gloucestershire about that period. He seems to have been on the side of the Commonwealth in the early part of the Civil War. But he was one of the deputation to welcome Charles II. on his restoration.

7893

OLD AGE AND IMMORTALITY.

ADDRESS

DELIVERED BEFORE THE

WORCESTER FIRE SOCIETY,

WORCESTER, MASS., U. S. A.

BY

GEORGE F. HOAR.

OLD AGE AND IMMORTALITY.

ADDRESS

DELIVERED BEFORE THE

WORCESTER FIRE SOCIETY,

AT ITS

CENTENNIAL,

Jan. 21st, 1893,

BY

GEORGE F. HOAR.

Worcester, Mass.

PRESS OF CHARLES HAMILTON,
311 MAIN STREET.

1893.

NOTE. The Worcester Fire Society was originally established for the protection of the town of Worcester against fire. It has long since become a social and literary club.

ADDRESS.

THE Society will commit to competent hands the task of continuing to the present day the lives of its members, from the time where they were left by Governor Lincoln, Colonel Davis, Judge Thomas, and our living associates who have succeeded them. It is a curious fact that such personal memorials have a value beyond all literature, except the very best. We would gladly give everything that our Puritan forefathers left in print for a few more details of their lives. I am not sure that we would not be content to go without one of Shakespeare's best plays could we but know a little more of the man who wrote them. So, be assured, I deem myself performing much the humbler part of the duties of this occasion, when I turn aside from the tempting theme of the history of our Society and ask your attention to a brief essay on Old Age.

I hope I do not seem to be thrusting on this youthful company a theme with which I alone am just at present concerned, and which they can by no possibility care for for a long time to come. We always contemplate these things more comfortably from a distance. Charles Lamb thinks Milton's "Hymn to Morning" was written at midnight. "I would indite something concerning the solar system," he exclaims: "Betty, bring the candles."

It will not be expected that much can be said on this topic which has not been said or thought many times

before, or that any one man's treatment of the theme can be other than partial and fragmentary. I suppose that, seen from the highest point, old age is wholly a matter of temperament and not at all of length of days.

Spring still makes spring in the mind,
 When sixty years are told.
 Love wakes anew the throbbing heart,
 And we are never old.

We all know persons to whom the quality we commonly ascribe to old age seems to be congenital, who are well described in Lowell's line :—

From the womb he marched gravely, a little old man.

We have known men who were born mouldy, to whom a hundred springs would bring no sweetness, and a hundred summers no juice. So we have all known men whose life for fourscore years and ten was a perpetual morning, whose thoughts were of to-morrow, and who were as ready at ninety as at thirty to lead any hope, which, so long as it were a hope with freedom or justice in it, never could be forlorn.

John Quincy Adams breasting the stormy waves of the House of Representatives at eighty-three, Josiah Quincy's attack on the Know-Nothings at eighty-five ; you remember his fiery utterance—"The doom of the Republic is sealed when the bats take the lead of the eagles," are familiar examples.

When old Josiah Quincy broke his hip on the ice at ninety-two, Dr. Ellis called to see him one day at his house in Park Street, Boston. He sent Miss Quincy out for a walk, and sat with the patient alone for an hour. It was the darkest time of the war. But the President was so full

of cheerful and hopeful talk that the visitor ended his call and got down stairs before he remembered to ask Mr. Quincy how he did. He went back to the chamber and said, "I forgot to ask how your leg is." "Damn the leg," said the old fellow, giving it an angry slap, "I want to see this business settled."

English history will contain few finer chapters than Gladstone's campaign of this last year. It was the power of a great personal presence. With the burden of his eighty-three years on his shoulders he had against him a hostile government, a hostile House of Lords, a hostile press, a hostile aristocracy, hostile universities, and, it is rumored, a hostile Queen. How he brushed them all aside! "I am not going to discuss detail with you. I represent the youth and hope of England, and her advancement along ideal paths. The solution of these questions of the future belongs of right to us who are of the future, and not to you who are of the past."

But these are instances of a vigorous youth prolonged to fourscore, as Bryant's "Thanatopsis" and Pitt's sublime battle with a hostile House of Commons are instances of ripeness of intellect in early youth. Indeed, Gladstone, and Pitt, and John Quincy Adams seem at no time in their lives to have had so little of the boy in them as at twenty-one.

Physical pain and sickness, moral cowardice, the temperament that doubts, the temperament that sneers, are the enemies of all times of life alike. But most persons, when they speak or think of old age, speak or think of the diseases which are incident to it, and not, as in the case of youth or manhood, of its natural and healthful conditions. Let us consider it as a part of life, belonging to it as

autumn does to the year, with its own occupations, hopes, memories, duties and enjoyments.

There are certain occupations and public functions which are conceded in all free States to be specially adapted to age. They are those which are supposed to contain no element of strife in them, where the magistrate is expected to pass upon the case or the proposed measure after the controversy has been heard and is over. These functions are exercised in jurisprudence by the judges of courts of final jurisdiction, and in legislation by the *Gerousia*—the Spartan body of old men, the Patricians or *Patres*, the Seigneurs or Senators,—the seniors,—and in the Church the Presbytery or Elders. The framers of the constitution of the United States, when they established their permanent legislative chamber, whose assent should be necessary to all laws and treaties and to all important executive appointments, and which should be a court for the trial of all impeachments, undoubtedly had this in mind. They did not by express provision secure a body of old men for the Senate Chamber, although, by requiring the Senator to be at least thirty years of age, they excluded youth. The States in their practice have observed the principle far more strictly than is required by the letter of the constitution. The average age of the members of the Senate has usually exceeded sixty years. It is now, in spite of the recent accession of so many newly settled States, only slightly under fifty-nine.

The hope that the Senate Chamber would be a temple, into which the heats of party strife would not enter, has proved to be but a dream. It was, indeed, in the early days of the Senate, deemed a breach of decorum to allude

to party distinctions in debate there, as it now would be in the Supreme Court. But that day has long gone by. The later and final appeal to the great tribunal of the people renders it impossible that questions which excite the people should be discussed anywhere without zeal and heat.

It will be said that the opportunity for such employment is exceptional, and that it cannot be very much considered in forming our plans for our evening occupation. But I am speaking to a society composed, in theory, and very largely, in fact, of the thirty foremost citizens of a great and powerful city. You have had, and you will hereafter have, your large and honorable representation in the high places of national and State authority. Akin to those I have named, and on the same level of dignity and usefulness, is the great and noble opportunity open to all of us by our municipal citizenship. It is our good fortune that our lives are cast in a city which combines the rapid growth, the pliancy, the flexibility, the ambition, the hope, the young life of a new community, with the culture, the solidity, the deep roots, the great traditions, the stimulant history of an old one. I can conceive of nothing more delightful and satisfactory than to live in a city like Worcester—to see it grow, to help it grow, to build up and manage its libraries, schools, churches, banks, insurance companies, hospitals, its university.

Hæ tibi erunt artes, fortunate senex. These are tasks in which the vigor and enterprise of youth demand the alliance of the counsel, responsibility, trustworthiness, matured experience of age. If the artist who fashions a great statue, or who paints a great picture, leave behind him an enviable fame and a fragrant memory, surely

the men who have helped fashion and adorn a great city, who have laid its foundations and builded its walls, who have given it its character and guided the currents of its history, who have made Boston Boston and Worcester Worcester, have a far better title to grateful remembrance.

The bed-rock of all our institutions—political, moneyed, or charitable—is personal character. The late Waldo Lincoln added an appreciable per cent. to the value of the invested property of Worcester through the security furnished by his steadfast integrity, his prudence, his willingness to undertake even the most laborious drudgeries of public service.

One of the incidents most commonly attributed to old age is the substitution of retrospect for hope, or the habit of living in the past rather than in the present or the future. I do not think this is as true as is generally believed, certainly not of sound and unselfish natures. So far as my observation goes, men with whom there is nothing the matter but the natural and healthy advance of life are as full of patriotic expectation for their country, have the windows of their souls quite as wide open to the morning, see quite as much

Of splendor in the grass, of glory in the flower,
at seventy as at twenty-five. This is specially true of women, who live in the lives of children and grandchildren, and in whom the ingenuous boy or youth finds a sympathy in all his dreams and aspirations which he never gets from his mates.

But, undoubtedly, we old men must submit, not only to economize our forces, but to give up the hopes and dreams which have seemed solid realities, or, at least, soberest ex-

pectations, in the days of youth and middle life. Ah, me! when shall I commit Homer to memory? When shall I read Virgil and Horace and Cicero again? When shall I spend a year in Athens? When shall I learn Italian, and know as friends the shining four, whose laurelled heads shed their awful halo over the darkness of the middle ages? When shall I write the story of the stirring drama of the last forty years, the denouement of whose mighty plot has been the freedom of a race; the achievement of the intellectual and of the manufacturing independence of America; the transformation of a second-rate nation of number two Englishmen into a mighty empire—things which I have seen and part of, which I have been? When shall I walk down the hundred delightful paths, shaded by noble forests and watered by pleasant streams, and strewn with amaranth and asphodel, into which I have been gazing all these sixty years as I plodded along the sandy and dusty high road of life? Alas! The gates are shutting, one by one, only to be opened again in that other world where Charles Lamb was to leave off tobacco—the desire to do which, implanted in his breast by a beneficent Creator, but never to be realized in this life, was to his mind the chief and sufficient argument for immortality.

On the other hand, we must confess that if our years were to be a thousand instead of threescore and ten, not threescore and ten men out of a thousand would ever make these dreams realities. I suspect Methuselah's life was as dull and prosy as the days were long. The leisure of a healthy age permits us, in Emerson's phrase, in fault of novel germs, to mature the unfallen fruit, and to use the creations or accumulations we have not found use for in the

business of life. How many of our best poets and wisest thinkers have laid up in their storehouses in midsummer an ample stock of wine and fruit which needed only to be ripened a little in a genial autumn sun.

But the greater penalty of growing old is the loss of the friends of youth. Dying, to a brave man, certainly to a brave old man, is in the death of others, not in his own. It is this which alike gives age its terror, and is the chief reconciler and consoler as the end of life comes on. When the voices that were its music are silent it is well that the ear grow numb. When the faces which were their delight have vanished it is well that the eyes grow dim. In some rare examples of old men, too, this is largely compensated by that which, except health of body and mind, is the best gift of God to man, a large capacity for friendship, which takes in and welcomes the new generations as they come.

There are persons of milk-and-water natures who greet everybody with a certain indiscriminate friendliness. There are persons who hide under a slight and superficial goodwill for all mankind the want of any strong and hearty affection for anybody but themselves. I am not speaking of them. I am speaking of old men, the number of whose friends is large, solely because of the largeness of the heart into which they are received; the number of whose new friends is large, solely because of the freshness and sweetness of the great souls which love them. Such a man was the late General Sherman. To be admitted to his friendship was like being invested with the Order of the Garter, or being knighted on the field of battle. His circle of friends in all parts of the country seemed to widen and enlarge as he grew old. Yet there was never a man more

fastidious in the choice of his intimates, or whose ideal of manhood was loftier. There was never a man who spoke out more freely the thought that was in his mind, or who was more prompt to utter his impatience or his hearty scorn, on fit occasion.

The dream and aspiration of the old man is for quiet and leisure and rest. Yet he never escapes the divine law, whose easy yoke rests upon all humanity, that the chief delights of life are those which come from faithful hard work, in which too often he is driven with shrinking and repugnance ;

And he (as all men may find cause
When life is at a weary pause,
And they have panted up the hill
Of duty with reluctant will),
Is thankful, even though tired and faint,
For the rich bounties of constraint.

If we may trust the representations of art or those which biography or tradition have handed down to us, our ancestors, when they were old men, avoided a mistake to which old men nowadays are too prone. Instead of growing negligent in person or behavior as they grew old, they covered what was uncomely or distasteful in the decline of life with an increased care and even an increased splendor in dress, and with a more punctilious stateliness in behavior—the *comitate condita gravitas* which Cicero attributes to Fabius. The gentleman of the old school was bred in the best school for old gentlemen. There was little familiarity or handshaking. They stood apart like the stars, each keeping his own atmosphere to himself. The old men of Holbein and Kneller, and the Dutch and Italian masters, and even of our own Copley, are dressed with a

richness of apparel which comports with the ceremony which they observed and exacted in intercourse with their juniors and with each other.

Each generation as it passes from the stage gets from its successor much more of criticism than of sympathy. The heir is seldom on good terms with the king.

Crabbed age and youth
Cannot live together.

Visiting Westminster Abbey last summer, Archdeacon Farrar pointed out to us the remarkable fact that there is no tomb or monument over the dust of an English Sovereign, either there or at Windsor, since Queen Elizabeth. The throne has been in the same family, as, indeed, it has been from the time of Alfred. But no English monarch has loved his predecessor well enough to build him a tomb.

Perhaps, after all, it is due to this trait in human nature that life on this planet is even tolerable. It is best that the leaders of the successive generations, the great monarchs of thought, do not love each other too well. What tameness and sameness, what a hideous agelong nightmare of must and mould, would the world have gone through but for this revolt of each age against the ways of its predecessor. Let us thank God with our brilliant preacher that Abraham, Isaac and Jacob are dead—that all the Abrahams, Isaacs, and Jacobs are dead—and that so much of their works has followed them. I am, of course, not speaking of the tenderness of the family affections in private life. But I am speaking of the power of one age to impress its manners, opinions, customs upon another and to compress its successor into its own mould. It is the hardest thing for an old man to find out that all his lecturing and reason-

ing, all his lamentation and indignation, will not bring this to pass. If the youth find your example to his taste he will sometimes follow it. But he will not alter his course for your preaching.

We should, I think, expect beforehand that the thoughts of a healthy old man would be busy with the question—what is to come next? that, as he approaches the inevitable goal, he would be taking thought of the future, and at least be speculating what manner of mansion he is to occupy when his present dwelling gets out of repair and uninhabitable and the landlord gives him notice to quit.

But so far as my observation goes it is the young men who deal most courageously with the great doctrine of immortality. I doubt if there be any great and original contribution to the thought of mankind on this great topic of all topics which has come from a man past seventy. Such men are either silent, thinking, with Carlyle, that they do not care to strike their heads against walls; or, perhaps, disliking to be suspected of canting or hypocrisy; or they content themselves with some simple reaffirmation of the creed of their early days. Most men do not care to uncover this domain of the soul to the curious and prying eyes of the multitude. I have, myself, little respect for this fastidiousness. We were not born, and we are not to die, or to be born again, in confidence. Our age, which is bending all its energies to penetrate the future in this world, from the prophet of the weather bureau to the great metropolitan newspaper which so exhausts itself in anticipating what is to happen to-morrow that it becomes incapable of a truthful narration of what took place yesterday, sometimes seems to be giving up the great question of a

future life in despair. But this surely is an unmanly attitude. If we even concede to skepticism or agnosticism that our human philosophy gets no help from the other side, that "the secret of heaven is well kept, that no imprudent, no sociable angel has dropped an early syllable to answer the longings of saints, the fears of mortals," still let us, at least, say with Simmias in the *Phædo* :

"For I dare say that you, Socrates, feel, as I do, how very hard or almost impossible is the attainment of any certainty about questions such as these in the present life; and yet I should deem him a coward who did not prove what is said about them to the uttermost, or whose heart failed him before he had examined them on every side. For he should persevere until he has attained one of two things—either he should discover or learn the truth about them, or, if this is impossible, I would have him take the best and most irrefragable of human notions, and let this be the raft upon which he sails through life, not without risk, as I admit, if he cannot find some word of God which will more surely and safely carry him."—*Simmias in Phædo, 85.*

James Martineau, whom Tyndall, who has more than once broken a lance with him, declares the foremost philosophic thinker since St. Paul, well points out, if there is to be a disappointment in this matter, who it is that will be disappointed. It is the lofty and heroic souls who have lived and died on the heights of unselfish virtue. It is the pure intelligences that have dealt with the things that be of the spirit. It is not the narrow intelligence, or the base aspiration. It is Plato and Socrates and Paul, not Cleon or Thersites or Nero that are cheated. The disappointment is of great souls and not of little ones, and of the soul in its highest and not in its lowest mood.

I hold these truths to be clear. The universe is planned

upon a scheme which cannot be supposed to leave out the immortality of man. The Creator of the universe has made this promise to the soul. Man, the universe, and the power that underlies the universe, are alike degraded and become hateful and despicable if there be no immortality. If anything be conceded as having existence beyond blind and brutal force, anything into which design enters, the concession involves, to my mind, the immortality of the human soul, or it involves conditions degrading alike to the universe and to its author.

Who can believe that the eternal fires of the sun were kindled, that the dawn and the sunset are painted, that the law which keeps the fixed stars in their places, which dismisses the comet on its pathway through the skies, promising that in a thousand years it shall return again, true to its hour, and keeps its word, that the moral law, which shall endure when these things pass away, were ordained and established only to ornament and keep in order a dwelling whose use, after all, is to be in the end nothing but the receptacle of a compost heap of the carcasses of an extinct humanity?

Is there in all history a more savage story than that of the Highland chieftain who shut up his rebellious nephew in a dungeon, fed him on salt meats till he had provoked an insatiate desire for water, and then let down to him a covered cup, from which the victim having eagerly snatched the cover and found it empty, was then left to die the most dreadful of all deaths—death from thirst? But is that a whit more cruel than to plant in us this longing after immortality, “the thirst that in the soul doth rise,” demanding “a drink divine,” and then to put to our lips

in mockery an empty cup? Is the tigress in her lair capable of a greater affection for her offspring than the Author of the universe for His? Is man capable of a deeper love, a larger bounty, a more scrupulous faith, than his Creator?

This belief has its foundation in the instinct of universal humanity. The latest and most authentic report tells us that there is no savage tribe so low in the scale of being as to be without it. It appears in the oldest literature. It is, directly or indirectly, the inspirer of all patriotism, the stimulant to all heroism, the fountain of all love, and the comfort in all sorrow. Every gift of noblest origin is breathed upon by this hope's perpetual breath. There is no reason why He who has created it should not satisfy it. There is room enough in these millions upon millions of spinning discs; there is room enough in spiritual geometry, in the compass of an egg shell for the promise to be kept to all the generations of mankind.

Old age, as Mr. Webster said of the bed of death, brings every man to his individuality. It is well that this faith in which the age of all human nature finds its solace, rests on the instincts which are common to all humanity. Metaphysicians may question the trustworthiness of the human faculties when they report upon it, as they question the trustworthiness of their report of the existence of the matter or the existence of God. But the faith abides. It does not depend on philosophic speculation for its support. There is no danger that philosophic speculation can overthrow it.

But, as I have said, these thoughts, which seem to belong logically and naturally to the time of old age, are not

those which, in our experience, we find filling an old man's breast. The great and healthy souls of all ages, of all nations, of all religions, seem, as they grow old, to abandon subtle reasoning about the matter, to lay less and less stress upon miraculous attestation, and to agree in resting upon the simple faith that the power which has constructed this fabric of things is conscious and is beneficent, whether that faith find utterance in the brave challenge of Paul :—

For I am persuaded that neither death, nor life, nor angels, nor principalities, nor powers, nor things present, nor things to come, nor height, nor depth, nor any other creature shall be able to separate us from the love of God ;

Or in the sweet evening song of Whittier :—

And so beside the silent sea
I wait the muffled oar,
No harm from Him can come to me
On ocean or on shore.

I know not where His islands lift
Their fronded palms in air,
I only know I cannot drift
Beyond His love and care ;

Or in the lofty dying note of the great light of the early church, St. Ambrose :

“ *Non ita vixi ut me vixisse pudeat, nec mori timeo, quia bonum habemus dominum* ” ;—

Or, in those sentences in which Plato sums up for his generation and for all generations, the richest lesson of all thought and the result of all experience :

“ The world is the fairest of creations and HE is the best of causes.

“ No man can be a true worshipper of the gods who does not know that the soul is immortal.

“ So far as the principle of immortality dwells in us, to that we must hearken.”

The Opportunity of the Colored Leader.

AN ADDRESS

TO THE

LAW CLASS OF HOWARD UNIVERSITY,

1894.

BY

HON. GEORGE F. HOAR, LL. D.,

U. S. SENATE.

WASHINGTON, D. C.

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The Law School of Howard University does well in celebrating at this commencement season the accession of another band of chosen youth to the honorable company of lawyers. It is fitting that some elder should welcome them to the great brotherhood of the profession, to a share in its historic glories, its opportunities for labor, for intellectual and moral growth, for a noble public service.

I think few thoughtful observers will deny that the training of the American lawyer is, on the whole, the best training which our Republic affords for American public life. There has been no period in our history when the American people have needed, in the most difficult circumstances, the best capacity for discussion, for administration, or for leadership, that it has not turned instinctively to its trained lawyers, save only when the question was to be settled by the arbitrament of arms. Every President of the United States, with the exception of Washington, Taylor and Grant, was educated for the bar.

The great State papers of the period before the Revolution, in which the mighty debate with Great Britain was conducted, are the work of lawyers, of John Jay, John Adams and his illustrious kinsman, of Dickinson, of Henry, of Lee and of Hamilton. The Declaration of Independence, in which the corner stone of this nation was laid upon the doctrine of eternal justice, and its simple corollary, the equality of natural rights, was drawn by the hand of a lawyer. Another lawyer was, by the acknowledgment of the author of the Declaration, its "Colossus on the floor of Congress." "John Adams," said Mr. Jefferson in the hearing of Mr. Webster, "came out with a power of thought and expression which moved us from our seats." The people supported the decision of Congress; but it was the decision of Congress which determined the question. Of the fifty-two signers of the Declaration, twenty-four were of the legal profession.

Thirty out of fifty-five of the men who framed the Constitution had been practising lawyers. The minority of laymen in the Cou-

vention contributed little to the formation of the instrument. The great authority of Washington helped much to secure the adoption of the Constitution by his countrymen; but he took no substantial part in the debates. The wisdom and calmness of the aged Franklin more than once composed the strifes which threatened to break up the assembly; but everybody now agrees that it is fortunate that the propositions which Dr. Franklin made in that Convention were not inserted in the instrument.

The statesmanship of America has more than once been called to deal with financial problems on whose solution the fate of the nation itself was hanging, more difficult than were ever encountered by the ministers of any monarch. Yet in every such crisis we have turned (and the event has justified it), not to trained bankers or financiers, but to trained lawyers—to Hamilton, to Chase, to Fessenden, to John Sherman.

I would not undervalue the service of men of other callings in the great philanthropic movements—of Channing, or of Garrison, or of Whittier. But even in the anti slavery movement this leadership must be shared with Sumner and Quincy and Charles Allen and Andrew. Our political leaders of all parties and of all generations have, with very few exceptions, been taken from the legal profession.

So, when I address a company of colored youth who have dedicated themselves to the law, I assume that I am addressing men who aspire to the service of leadership in the great public questions which specially concern the destiny of the colored race in this country, and I wish to take the short time which is limited to me in addressing to them a few words of counsel and of encouragement.

If I seem to anybody engaged in any other vocation to claim too much, either of dignity or capacity for public service, for the profession which I love, let him remember that I do it for no selfish or ignoble purpose. I would excite in the young lawyer a just pride in his calling, solely as an incentive to usefulness to the State. If any other class of men think we occupy their ground, let them show their title, and we will not stand in their way. The high places of service are not crowded. We will leave ample room and verge enough for all the good their capacity can accomplish, or their hearts can desire. No lawyer who, in these later centuries, has filled conspicuous public station in America, or England, or France, has inherited it from ancestors, or has bought it with money, or has been pro-

moted to it without having his quality tried, in the face of day and before the people, in strenuous contests in an arena where the wrestlers need all their strength, and where the mental and moral muscle is thoroughly tested.

I take it for granted that I am speaking to Americans, to patriots, to young men whose hopes are bound up in America, who mean to live and to die in America and whose patriotic aspiration is solely for her. The colored youth is bound to his country by a tie as dear and sacred as any other. However she may have treated his ancestors in the past, she has been the first among nations to recognize his complete manhood and complete title to equality in every civil relation. And if he owes much to her, she also owes much to him. So far in our history there is no record, among your eight millions, of a black man who has been false, even in thought, to the flag of his country.

It happened to me, a few years ago, presiding over an assembly of Massachusetts Republicans, to express the opinion that the remedy for the evil which the colored man suffers must be, very largely, with the colored man himself, that it was time for him to come out from among the wards and take his place among the guardians. I added, that there is an opportunity for him, in this country, at this hour, greater than was ever offered to human being in the world before.

A somewhat zealous critic, of whom I would speak with all kindness, challenged this statement. He thought that in the most charitable view it manifested great lack of wisdom, and that it was quite doubtful whether the speaker was any better than he should be in the matter of common honesty. He pointed out, with entire truth, that it is quite hard for a colored man to get profitable employment in the learned professions, or the higher callings of life; that he by no means gets a just share of the offices; and that he himself knew of a colored man in a post office somewhere who had failed to get a well-deserved promotion.

This fault-finder had, it seems to me, failed to learn the first great lesson of American life. He had not discovered that, in this Republic, to all generous natures, the words "obstacle" and "opportunity" mean exactly the same thing. My purpose to-night is to impress this truth upon the colored youth whom my words may reach. He has got enough of the American spirit in him, and has breathed the air of freedom long enough, to have learned this lesson

from his own history and from all history. To him henceforth there is to be more stimulus in a summons to battle than in an appointment to a clerkship. He will prefer to take for his model Matthew the chosen apostle, rather than Matthew sitting at the receipt of customs. The opportunities of life to him will be found, if not in the conditions which have created Frederick Douglass and Cristophe and Toussaint L'Ouverture, at least in the fact that he and his kindred have just come out of slavery, that the prejudices of ages are still hanging over them, that their place in our social life, and their equality in our political life are yet to be won.

I ask you to consider with me what the colored youth who shall aspire to be the leader and benefactor of his race can find of stimulant, of challenge, of hope, and of duty in the conditions which surround him and the race to which he belongs. What forces has he to lead? What fortresses has he to attack? What lesson shall he teach? Who are his enemies? What are his dangers? Whence are to come his victories and his triumphs?

In the first place, there are of his people about eight millions in this country who are to be united together and united to him by the bond of a common hope, a common destiny in the future, and a community of wrong and suffering in the past. No wise and patriotic man would desire to keep alive race distinctions in this country for purposes of political action. But it seems impossible that the tie of race should not be felt, especially by you who are distinguished from your countrymen of different color in so many ways. The American of English blood is proud of his lineage, and turns to the literature and history of the mother country for a thousand inspirations. For more than fifty years the Irish stream has been flowing this way, yet the Irishmen hang together and their passionate love for Ireland has not been abated. The Scandinavian and the German never forget the fatherland. The ancestors of the Canadian of Quebec left France more than two centuries ago. He has been a docile subject of Great Britain for 130 years, yet Sir George Cartier said, when the Franco-German war ended: "If any one would know today how far we are Frenchmen, I answer: "Go into the towns, go into the country, accost the humblest among us and relate to him the events of that gigantic struggle which has fixed the attention of the world; announce to him that France is conquered; then place your hand upon his breast, and tell me what can make his heart beat, if it is not love for his country."

This eight million people have so far as constitutional provisions can secure them, all the rights of American citizens. What the Constitution declares, every legislature of the Nation and of the state; every Executive officer of the Nation and of the State takes an oath to defend and support. You have, therefore, on your side every moral and religious sanction, as well as every constitutional sanction that can bind the conscience of the men who make laws or the men who are to enforce them. The forces which are arrayed against you are temporary. These forces are permanent and will abide.

Do not think that in what I have said I am advocating race distinctions or race issues in politics. I shall welcome the day when every American citizen, of whatever race, will choose his side without a thought of his own color or of the country of his origin. But so long as men are denied the most precious rights of citizenship solely because of their race, by politicians who eagerly seek the alliance of ignorance or vice wherever else it is to be found, a man of that race would be base indeed if he failed to defend himself and to defend those who have his blood by every peaceful instrumentality, which the law places in his hands; especially by the instrumentality of the ballot, which is alike the most peaceful and the most powerful of all.

Your colored leader, then, has eight million friends to stand by him if he reckon those of his own race only, a number twice and a half as large as that of the people who wrested their freedom from Great Britain, and framed the constitution. The future great public teacher of the colored race will have a people of eight million from which to draw his audience. When Garrison began his crusade he could perhaps gather an audience of fifty men and women in a lecture hall. When we founded the Free Soil party in 1848, we thought we did pretty well when we got 291,000 votes in the whole country, with two million and a half against us. Yet here you have fourteen hundred thousand votes, counting your own vote alone. Of these some few may be bought by money or office; some few may be frightened; some few may be flattered or deceived. The colored man is no better than his white brother in this respect. But the mass of the colored voters will be sure to think that the establishment of their right to vote is the most important issue in politics until that right shall be secured.

The progress of the colored people has in some respects been

much slower than we had hoped. I suppose it is true that there are regions in the South where their material condition has not greatly improved. On the other hand there are regions where they are becoming land-owners, are educating their children well, and are administering local government in a manner that commands the respect and admiration of their white neighbors. During the debate on the Election Bill, two years ago, two Southern Democratic Senators bore the highest testimony to the capacity of this race. They gave away their own case when they did it. Mr. Bate of Tennessee declared that the cotton crop, estimated by different reports, the last year at from 7,500,000 to 8,000,000 bales, giving this country what is equal to a cash deposit abroad of 300 million dollars, was raised chiefly by negro labor. Judge Bate declared further that he lived in a city of seventy five to eighty thousand inhabitants, where the Republican party, mostly colored, has been predominant. "There is," he says, "no trouble. They have a modified Australian ballot law. The saloons are closed election day, and the police on guard. It is like Sunday. Men go to the polls as quietly as to church, notwithstanding there is a Republican majority, and five out of six of that majority are colored. The reason is, that the whites do not disturb the negroes, who vote as they please."

Gen. Walthall, of Mississippi, described county after county in his state, wealthy and prosperous, where the negroes are largely in the majority, and where nearly all the offices are held by colored men. If the famous city of Nashville, if many counties of Mississippi, under the government of this race, but twenty five years out of slavery, are wealthy and prosperous, models of order and peace, according to these high authorities, does it not speak pretty well for the fitness of the colored men for citizenship? It is said that these men have the example, influence, and support of the whites, and that is true. They will always have the example, influence and support of the whites. The whites in their turn will have the example, influence, and support of the colored men. Each race will make its own contribution to the national character. Each will get its own profit from association with the other.

You have then a race whose labor has restored the prosperity of a vast region devastated by war, the product of whose industry has buttressed the financial credit of the country, and whose rule has furnished conspicuous examples of wealthy and prosperous communities, models of order and peace. The progress of the colored people has

been, as I just said, in some respects, much slower than one had hoped. But the experience of thirty years of freedom is enough to demonstrate to every impartial observer the fitness of this race to take its place as an equal in the Republic, and to perform its full share of all political and social duties. It has produced skillful physicians, able lawyers, eloquent orators, excellent professors, wise, honest, and trustworthy public servants. During my service in the House of Representatives there were an average of eight colored members from the South who would compare favorably with any equal number of white men, chosen on any of principle selection in the highest capacity for legislation or debate. The colored youth, in proportion to their number, carry off more than their full share of honors at the Commencement season. These are not miracles, prodigies, or accidents. These examples simply show what the ordinary colored youth may accomplish with industry, under the stimulant of an honorable ambition, under favorable circumstances. The capacity of these men is a fair measure, in my opinion, of the capacity of the race.

I am not here to flatter or to exaggerate. I know very well that what I have said is by no means universally true, or true on a large scale, but the examples I have cited are of such a character as to show you that you can make it true on a large scale. You may say that these cases are as yet but exceptions. But they prove the rule; and you can make them the rule.

Let me advise you above all things to speak to your countrymen the language not of discouragement but of hope. Above all things speak the language of a lofty and strenuous patriotism. Never forget that you are American by a title as absolute as that of any other, through the blood in his veins has come down to him from the men of Jamestown and Plymouth Rock. Love your country and your country will love you. Serve your country and your country will serve you. Do not overlook the disadvantages under which the colored people in this country labor. It is to be the duty and the aspiration of your life to overcome them and to remove them. But do not forget that in whatever respect you are badly off, you are better off, not only than your own ancestors in any other generation, but than the people of nearly all the nations of the earth. The Emperor of Russia rules over a sixth part of mankind. Is there any colored man in Washington who would like to change places with the serf of Russia? Would you be willing to exchange your

hope, or your liberty, for the condition of the 400 million people of China, or the dwellers in the Southern Archipelagos?

Do not give yourselves too much trouble about what is called social ostracism. That exists everywhere, in monarchies, in aristocracies and republics. It will exist always. It is natural to almost every son of Adam, and I suppose more natural to every daughter of Adam, to delight in feeling a little above somebody else. The shilling holds up its head and brags over the sixpence; and the counterfeit shilling especially asserts itself. A man must have a soft spot in him somewhere who cares too much about that. It has always been used as an instrument by people who can find no better to their hands. The Tories tried it on the Whigs in the time of the Revolution. The Hunkers in Boston tried it with Charles Sumner and John Andrew. I suspect our colored friends will, in due time, learn to follow the fashion which their white brethren and sisters set them. You will get along with it. If the whole 60 million white people shut you out of their parlors, there are 8 million colored people who will, bye and bye, have parlors quite as good, who will be glad to let you in. If in any part of the country you are not welcome in the white man's car, so conduct yourselves that the company in the colored man's car shall be better. Do not concern yourselves with these trifles. If you are placed by the side of the Caucasian race and are to breed and nourish the great qualities from which cometh a noble manhood, you must not concern yourselves with such things as these. The martyrs who fought great fights for righteousness in other days, and freed races or nations from bondage, who were the leaders and deliverers of the oppressed, who kept the faith, and received the crown, did not trouble themselves about social distinctions. Daniel was thrown into a lion's den. Shadrach, Meshach, and Abed-nego were cast into the fiery furnace. St Peter was crucified with his head downward. The early Christians hid in catacombs, and died on beds of living coals, or starved in their subterranean caverns. The first Protestants were burned at the stake at Smithfield and Oxford and Gloucester. The Pilgrim Fathers came to New England with their households, to land on a bleak, desolate coast in midwinter. Half of them died before the spring. And yet not one of the original company went back. Sumner encountered for years a storm of hate and rage from his own countrymen—hot and severe as a blast from hell. His mail, night and morning, was crowded with letters full of reviling and scorn, threats of violence and

assassination. He was stricken down in the Senate Chamber. In his desire to recover, to speak one word more for Freedom, to speak one more word for you, he submitted himself to the moxa: torture which his surgeon declared terrible as ever was inflicted on man or beast. Twelve times the pitiless fire was kindled upon his spine—the very source and origin of agony—and he did not flinch. These things have been done and borne in the past times that you might sit, gathered peaceably in this hall tonight in freedom and in honor, and that the crown of Christian liberty, and of American Citizenship, might rest upon your temples. And is it for you to murmur or flinch because you find a little difficulty in getting employment, or because the race prejudices, and the hatreds of a thousand years have not melted away from your path in a day?

I suppose the greatest and most powerful nations have been those which have been made up by blending the qualities of many races. I am not now speaking of physical intermixture. I allude to the contribution to that composite unity which we call national character; of the mental and moral qualities of separate races and peoples. This process is proceeding on a larger scale than ever before in this country at this moment. The negro will make his important contribution to it. He will bring traits which his white brethren lack.

Has it ever occurred to you that the great qualities which made Abraham Lincoln, are precisely the qualities in which the negro is great—patience, humor, affection, incapacity for permanent resentment, circumspection, endurance?

These traits will perhaps be more enduring and powerful if they are made by a race tempered and hardened in the fires and on the anvil of persecution. It is but a few centuries since the Jew was the outcast of Europe. He was everywhere despised, hated, persecuted, and trampled upon. He was driven from city to city, from country to country. Saxon and Latin, Christian and Moslem, Spaniard and Moor harried him with contempt and hate from one place of torture to another. If the Jew ventured from his hiding place he was stoned. His wealth made him the prey of the rapacity of the noble, and his poverty and weakness the victim of the rabble. Yet how has this Oriental conquered Christendom by the sublimity of his patience? The great poet of New England, who sits by every American fireside a beloved and perpetual guest, in that masterpiece of his art, the Jewish Cemetery at Newport, has described the degradation and the triumph of these persecuted children of God.

How came they here? What burst of Christian hate,
 What persecution, merciless and blind,
 Drove o'er the sea—that desert desolate—
 These Ishmaels and Hagers of mankind?

They lived in narrow streets and lanes obscure,
 Ghetto and Judenstrass, in mirk and mire;
 Taught in the school of patience to endure
 The life of anguish and the death of fire.

* * * * *

Anathema maranatha! was the cry
 That rang from town to town, from street to street;
 At every gate the accursed Mordecai
 Was mocked and jeered, and spurned by Christian feet.

Pride and humiliation hand in hand
 Walked with them through the world where'er they went;
 Trampled and beaten were they as the sand,
 And yet unshaken as the continent.

“Forty years ago,” says Lord Beaconsfield, that great Jew who held England in the hollow of his hand, and who played on her aristocracy as on an organ, who made himself the master of an alien nation, its ruler, its oracle, and through it, and despite of it, for a time the master of Europe—

“Forty years ago—not a longer period than the children of Israel wandered in the desert—the two most dishonored races in Europe were the Afric and the Hebrew. The world has probably by this discovered that it is impossible to destroy the Jews. The attempt to extirpate them has been made under the most favorable auspices and on the largest scale; the most considerable means that man could command have been pertinaciously applied to this object for the longest period of recorded time. Egyptian Pharaohs, Assyrian kings, Roman emperors, Scandinavian crusaders, Gothic princes, and holy inquisitors, have alike devoted their energies to the fulfillment of this common purpose. Expatriation, exile, captivity, confiscation, torture on the most ingenious, and massacre on the most extensive scale, a curious system of degrading customs and debasing laws which would have broken the heart of any other people, have been tried, and in vain.”

Lord Beaconsfield admits that the Jews contribute more than their proportion to the aggregate of the vile; that the lowest class of Jews are obdurate, malignant, odious, and revolting. And yet this race

of dogs, as it has often been termed in scorn, furnishes Europe today its masters in finance, and oratory, and statesmanship, and art and music. Rachel, Mozart, Mendelssohn, Disraeli, Rothschild, Heine, Benjamin, are but samples of intellectual power of the race which to-day controls the finance and press of Europe.

You of the colored race have yet some formidable obstacles to encounter, as you lift yourselves to the plane of entire equality with your white brethren in the republic. Some of these obstacles are in your enemies. Some, quite as formidable, are in yourselves. It is true, unquestionably, that there still exists in this country a considerable race prejudice. I believe, however, it is dying out. It is much exaggerated by designing men for political purposes. I have no sympathy or respect for the assumption which is still found in many utterances upon this question, especially at the South, that race hatred is the dominant passion of the human soul; that it is stronger than love of country; stronger than the principle of equality; stronger than Christianity; stronger than justice. The appeal is made to-day, not so much, in my judgment, for the sake of race supremacy as for the sake of party supremacy. Out of that appeal came the black codes of the period that followed the war. From that came the Mississippi plan of 1875. From that has come the thousands of election crimes, and overthrow of the rule of the majority in many states, and at times in one house of Congress. From that has come the Mississippi constitution of 1890.

I believe it to be the first duty of every colored man, as I believe it to be the first duty of every white man, to resist this doctrine until it is overthrown. If it be not overthrown it will end in the overthrow of the Constitution, and of constitutional liberty itself. These two races can live together as equals, neither as a race commanding, neither as a race obeying. They can live together, obeying nothing but the law framed by lawmakers whom every citizen shall have an equal share in choosing. I do not agree with those persons who claim that toward your race there should exist or does exist an unquenchable race hatred, stronger than love of country; stronger than justice; stronger than material interest. It is a feeling which exists toward no other race which is admitted to citizenship in this country. It does not exist elsewhere toward the negro. It does not exist in him anywhere toward the white. You will not suspect me for a moment of underestimating the duty of securing to you every political and civil right in practice as they are secured in theory by

the Constitution. I do not think I can cast my own vote in freedom and in honor in Massachusetts until my fellow-citizen, of whatever color or race, can cast his vote in freedom and in honor all over the country. Until that is done the Constitution is not a reality. Until that demand for justice is listened to, we have no right to boast of our constitutional government, to celebrate our national birthday, or to join in the music of our national anthem.

"Its knocking rises in the music's wrong,
And mingles with the song.
Glory and honor are set by till it
An answer get."

But still this obstacle is to be overcome chiefly by other than political instrumentalities. The colored man will best remove all political obstacles to his advancement by conquering the enemies within his own bosom, and by dealing severely and sternly with himself. I am happy to know that the faults and the vices born of slavery he is fast overcoming under the influences of freedom. No people and no class of people will long fail to treat with respect and to admit to every right of citizenship men who are thoroughly worthy of respect. It is by his personal worth alone that the colored man is to prevail in this contest.

The colored leader of the future who will raise his people to their proper station in the state must be something more than a politician; something more even than a statesman. While he must contribute his full share in counsel and in action to the government of his country, it will be demanded of him that he shall bear a heavier burden even than this. He must be an example and instructor in the simple, sober, austere virtues which enabled the Puritan to found his Commonwealth, and have enabled the Swiss to keep his little republic safe among the thrones of Europe for eight hundred years. I know the sunny, genial, music-loving, pleasure-loving, peace-loving nature of the African. But he must learn to follow the rugged paths that those who have gone before him have walked, if he is to stand on the same lofty heights and to breathe the same pure air. He should cultivate the passion for the acquisition of property. He should learn in this age of easy gain and profligate expenditures the old-fashioned virtue of saving and frugality. He should imitate the Irishman in the eagerness with which he seizes upon land and the tenacity with which he holds it fast when he has got it. He should cultivate that large public spirit for which the American

people are distinguished among the nations of the earth. Let him cease to be a beggar or solicitor of alms, and be ambitious to be a creator and benefactor. Let him be an example of temperance and shun the snare which has destroyed so many of his white fellow-citizens. Let him cultivate the supreme virtue of veracity. Above all let him know that the elevation of his race can come only and will come surely through the elevation of its women.

The great New England philosopher said many years ago "What is civilization?" I answer, "The power of good women." There may be rare exceptions, but the colored people will as a race never learn to follow what is excellent in the example of other races; they never will acquire the mental and moral quality which will enable them to hold their place in the stern strife of American life unless that learning and acquisition come to them as they have come to others before them, at their mother's knees. If they are to imitate in future generations whatever there has been of heroism in the past; if they are to love their country; if they are to be brave, free, generous, gentle, the lesson must come to them from their mothers. No nation, no city, no household, no man ever took an elevated place, where the influence of woman was not the inspiration of the heroic temper. Learn reverence for the purity and the chastity of woman. When you have acquired these virtues, you will have not only the constitution and the law, but you will have all the manhood and the womanhood of your country on your side. No race possessed of these qualities can long be the subject of oppression or injustice.

Mr. Brackett, author of an excellent paper published at Johns Hopkins, well says, "The position the colored people are to take among a larger people of a more favored race must come, not by virtue of any laws, but by their own virtue." They must, let me repeat ~~myself~~, of course, defend their own rights as citizens by every political instrumentality which the Constitution has placed in their power, and this, not alone because it is their own rights that are in question, but because, as good citizens of the Republic, they are bound to defend every right of citizenship that is in peril. But the political conduct of the colored man is of far less importance at the present time than that personal conduct by which he is to manifest his personal worth among his neighbors and associates. No race, no class of citizens, can permanently be treated with disrespect, or kept from the position, either in politics or society, to which they are fairly entitled,

who are well educated, intelligent, honest, chaste, sober, public-spirited, and who can acquire and retain property. The owner of land, the owner of capital, the tax-payer will, in the nature of things, belong to the governing class in every free country; and to be all this is within the power of every colored man who is industrious, honest, well educated and frugal. To all this, the political question, great and important as I deem it, is still secondary and subordinate.

Until the nature of man shall undergo a complete change, political power and political influence will be the objects of human ambition. It would be idle to advise or to expect that the colored man in this country shall be an exception to this rule. No man can be indifferent to the testimony of the respect of his fellowmen which is implied in their confidence when they intrust him with public office. It is a natural, honest and generous ambition. Whatever moralists, philosophers or men of letters may say about it, mankind have been, are and ever will be substantially agreed that the administration of a free state by the free choice of the people is the highest and most dignified of human occupations. But public office is only honorable when the citizen's election or appointment to it, is because of his personal worth and fitness. Not only is the Republic injured but the holder of office is disgraced when his election, or appointment, is made upon any other principle. While therefore I hope the colored people will, in full proportion to their number, attain to public station in this country, while I would not discourage such an aspiration in you or in any young men, I am always sorry to see any person urged for an appointment, or an election, merely because of his color. Let the negro get office, if he can by being the fittest person to fill it. Let him scorn to accept it, let him scorn the men of his own race who would seek it, or would accept it, on any other terms. Personal worth, personal character, personal fitness, honesty, integrity, wisdom, sobriety, industry and capacity, let these henceforth be the only passports by which the colored man shall seek admission into our temple of honor. When he has gained these, there will be room enough for him. He will gain his entrance, and he will not find himself crowded.

The lesson I have sought to impress upon you to-night is that the solution of what is called the negro question in this country is to be found in the strength, purity, courage, and loftiness of the individual soul. Constitutions, statutes, judgments of courts, verdicts of juries, civil administration, the decent and just behavior of the white race,

are, and will be, much. But they are all infinitely of less consequence than the character of the colored people themselves. The place you are to take and keep in this Republic is to be determined by what you are. In saying this I have summoned you to night to no light or easy accomplishment; "He that ruleth his own spirit is better than he that taketh a city," and he has commonly achieved a far more difficult task.

Have faith in the Republic of which you are henceforth an inseparable part. Have faith in the Republic which, in the brief century of her history, has shed her light upon the oppressed of all lands, and has brought you also out of bondage into freedom; out of barbarism into civilization; out of darkness into light. Possessing this faith, take also counsel of the great Apostle upon whom the church was builded; "Giving all diligence, add to your faith virtue; and to virtue knowledge; and to knowledge temperance; and to temperance patience; and to patience godliness; and to godliness brotherly kindness, and to brotherly kindness charity. For if ye do these things ye shall never fall."

THE HARMONY OF CHRISTIAN FAITH.

ADDRESS

BY

GEORGE F. HOAR,

DELIVERED ON TAKING THE CHAIR AT THE CONFERENCE
OF UNITARIAN AND OTHER CHRISTIAN CHURCHES

AT

SARATOGA, SEPT. 25, 1894.

WORCESTER, MASS.
PRINTED BY CHARLES HAMILTON,
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It is in no temper of narrowness or exclusion that we have gathered from all parts of the country and from across the sea, in obedience to a summons addressed to us by the honored and beloved name of Unitarians. We claim no separate property in the peace of God which passeth understanding, or in the love of God which abideth forever. Above all, we claim no separate property in the rule of faith and practice delivered upon the Judæan mountain, or in the memory of that divine life which was its perfect example. We should as soon claim property in the sunlight or in the morning. These gifts, coming to us from that infinite Father of whom all mankind are children, are themselves the offspring of a love from which none of his children can ever be shut out. They are "too high born to be propertied."

But of the instrumentalities by which God builds his government on earth, and by which he effects the moral training of mankind, among the chiefest is that of organization. The child, in his earliest games, is taught to take a side, in which he sinks his personality. In that way he forgets to say "mine," and learns to say "ours." He finds the highest stimulant to exertion, even in the play of childhood, in seeking, of his own free will, an interest other than his own, and in obeying, of his own free will, a law higher than his own desire. So awakes in him what has been well called "the celestial sense," which is the sense of duty."

A little later, and he learns to love the town where he was born. He transfers to it something of the affection which belongs to his parents. He delights in its citizenship. He takes an individual pride in its history. I suppose there are men and women in this company—at any rate, I know one—whose blood would fly to their cheeks at the charge that some little town in New England had done an act of dishonor a hundred years ago, as if the imputation were upon one of their own kindred to-day.

Then there wakes in the soul that highest and purest of human affections,—love of country. This emotion, stronger than institutions, stronger than constitutions, is the master passion of the loftiest

natures. At its bidding young men and old men give their lives, mothers their sons, wives their husbands, and maidens their lovers. The man who is without it, or who thinks himself above it, is a poor and useless creature. Whatever dreamers may affirm, whenever it is lacking, the man is weakened and spoiled, and becomes worthless to his own country and to mankind. It is like the law of gravitation to the universe. It is above, around, and beneath everything we value most. It has been our safety from the beginning. It has overcome for us the greatest rebellion since Satan marshalled against the Almighty the third part of heaven's hosts. It will overcome for us the spirit of anarchy, which, it may be, is yet to be more dangerous still. I believe that wherever these sentiments are found strongest in the narrower relations they will be found strongest also in those that are larger. Wherever the national spirit is most vigorous, there the State and local forces will exist in fullest life. The sentiment of patriotism will be found strongest in happy homes, where family love abounds. The man who loves his household and his kindred and his town and his State best will love his country best.

I have uttered these commonplaces—and the more they seem to you to be commonplaces, the better they are for my purpose—that I may impress upon you the importance of the chief object which has brought us together,—the inspiring of new strength, activity, and zeal into the great work of the Unitarian denomination, and the importance of that organization, as to which, I fear, there is far too much indifference,—the Christian parish. This does not contemplate in the least any antagonism to other religious bodies, but rather increased harmony, good will, co-operation. Family life is not a quarrel with the next household. Town life is not a feud with the next town. State life is not a wrangle with a neighboring State. National life and love and pride do not mean war with the rest of mankind. The contrary of all this is true. Peace, good will, brotherly kindness, charity with all men, the exchange of all good and kind offices, are but the natural offspring of our love of these objects which God has created, that by them the sentiment of love may be inspired and have its vigorous growth. So the warmer our love for our own organization, and the more earnest our devotion to our own work, the friendlier our relation to other religious bodies, and the dearer our fellowship in the Church universal.

We may well take lessons from other Christian denominations. If we do not imitate them and emulate them, we shall fall behind them. The country owes an incalculable debt to the brave pioneers whom the

Methodist Church has sent into the wilderness in advance of the settlers. It owes an incalculable debt to our brethren who fancy they still believe in the five points of Calvinism, whose instinct for the building of republican States in Christian liberty and law is as sure as that of the bee in building her cell or the eagle his nest. We may well contemplate with admiration our brethren who utter their worship with the solemn voice and stately ceremonial of the English Church, in this day of the revival of her spiritual life, who have learned so well to create and bring to the aid of religion all the inspirations of music, of architecture, and of art. Can we not work together in our freedom as they do in their discipline? Have we not the inspiration of the lives of saints and the thoughts of sages and the songs of poets, as well as they? Are not the Scriptures and the prophets and the apostles and the martyrs ours, as they are theirs? Have we not a history and traditions and memories which may excite us to a common activity in Christian work? Is there not hung in our halls also, armory of the invincible knights of old?

It is not yet a century since the name "Unitarian" was first borne by an American church. The word is not found in the first edition of Johnson's Dictionary. We have never been strong in mere numbers. Yet how are the men and women, to whom, whether in honor or in reproach, it has been applied, mingled with the best life in a thousand communities! What poets, what prophets, what inspired orators, what sages, what counsellors, what grave and reverend men, in chair of State, in legislative chambers, on judges' bench, in college halls, what fathers and mothers and daughters in Israel, what martyrs and reformers, what benefactors, what soldiers who gave their young lives for their country, or came home from battle victors, living and laurel-crowned! As their figures rise to your imagination in many a city and town and hamlet,—

"The passing of their beautiful feet
Gladdens the pavement of the street."

We do not esteem the parish as we ought. We go from one to another too easily, according to our caprice or convenience, or as we like or dislike a particular clergyman. We need the disposition of John A. Andrew, who told Dr. Clarke's church in its earlier days that, "whoever was a come-outer, he was a stay-inner."

The responsibility for accomplishing the ends that a parish is made for rests upon the parish even more than upon the minister, and rests upon every member of the parish to the reasonable extent of his

power. The office and function of the minister is to teach, stimulate, and impel the parish to do and be what it is made for, and the members of the parish to do and be what they were made for; and then it is the business of the parish and of the members of the parish to do it. Our function as parishioners is not to put burdens upon the back of the minister, but rather to take them off.

The parish has many advantages which ought to place it among the very highest and best of organizations to stimulate a generous activity for public ends, and also to inspire a genuine affection and zeal. It is that one of our republican institutions which cuts down through all social distinctions, and harmonizes all political differences, and summons men and women to work together, and to know, esteem, and help each other, from every calling and position in life. It ought to be a leveller, but to a level upon a high table-land. It ought to be, and it largely is, the most republican institution in our republic, the most democratic institution in our democracy.

What power, what sanctity in this venerable organism, when, as in our fathers' time, it is blessed by a clergyman whose relation to his people is that of a marriage, to abide until death do them part, every ambition of youth, every flower and blossom of the spring-time, the full strength and vigor of life's summer, the ripened fruitage of autumn, all consecrated to the service of a single community! What influence like that of the aged clergyman, the pastor that Chaucer and Goldsmith drew, who for generations has been closest to the household, has been its most intimate, constant, and beloved guest on every occasion of joy or sorrow, whose benediction has brought new gladness to the betrothal, whose voice has given its sacredness and its lawfulness to the marriage tie, and has lightened the darkness of the chamber of death by its promise of the resurrection? When we visit foreign countries and our feet touch the soil from which our ancestors came, our heart's first desire is to find the parish church where they worshipped, and beneath which or by which they sleep. There is nothing on the face of the earth—no glory of lake or forest or mountain or river—which speaks to the heart like these parish churches, with their associations of centuries. As we stand in the churchyard and gaze over the fields and hedges and byways of the surrounding manor, it seems as if the very souls of our forefathers had passed into the peace of the landscape. When the little tower or spire first lifted its head, perhaps in Saxon or Norman day, the very stones must have moved lovingly to their places,—

“The conscious stones to beauty grew.”

I strolled one Sunday afternoon two years ago into the little parish church of Chester le Street, seven miles from Durham, in England. Against the walls were the tombs of some of the neighboring families, with their effigies of crusaders and of men who had helped to wring Magna Charta from King John. In the porch there was a notice board, like those which are familiar to us; and among various notices of meetings of ladies's societies and other charities was this one:—

“The one thousand and ninth anniversary of its foundation will be celebrated in this church next Tuesday evening. There will be an address by the rector, and music by the united choirs from the three neighboring parishes.” Nothing very remarkable. It was the one thousand and ninth anniversary,—that was all. Next year, and it would be the one thousand and tenth.

We have a few parishes in America with whose early traditions are blended the memories of souls as knightly and devoted as ever wore the red cross of the crusader upon their breasts. Our fathers cared little for the attraction of art, which the Anglican Church, both in its Catholic and its Protestant days, has so well understood. As Emerson said, “The light struggled in through windows of oiled paper, but they read the word of God by it.”

But this New England parish, as it was established at Plymouth and Boston and Salem and Concord, is now one of the oldest institutions among men. The map of Europe has changed and changed, and changed again. As I have said elsewhere, four dynasties have sat in succession on the throne of Great Britain. England has united with herself Ireland and Scotland, conquered Canada, subdued two hundred and fifty million Asiatics; France has been twice a republic, and twice a monarchy, and now is a republic for the third time; Belgium and Holland have been joined and severed; the star of Poland has disappeared from the sky; Italy has thrown off the iron heel of her tyrants from her neck; Germany has built up her mighty empire from sixty petty States; and during all this time this mechanism, which sprung up of itself in the forest, abides. Under it the people have chosen their religious teachers without control; and the worship of pure hearts, uttered by free lips, has risen from their simple altars to the imperishable heavens.

But while we support and stand by this great organization of our denomination, and while we demand of our brethren and sisters their most zealous and devoted service in the work of the Unitarian parish, let us remember that these are instrumentalities for teaching and promoting chiefly the things in which we agree with devout men and

women of the faith everywhere, and not those things in which we differ from them. The Sermon on the Mount, the two sublime commandments upon which hang all the law and prophets, the entire precept and example of Jesus Christ, constitute to our minds the chief portion and essence of Unitarianism, as they constitute, I believe, to the Methodist, to the Calvinist, to the Episcopalian, the chief and essential part of Methodism or of Calvinism or of Episcopacy. We have a statement of faith, a liturgy, a priesthood, and a scheme of salvation. And, if we maintain that either of these is not assented to in principle and substance by the great body of worshippers of other denominations, we are so far making the very serious admission that it is not supported by what, to many thoughtful minds, is the strongest single argument for immortality itself; namely, that it has its support in the consent of all devout souls, and in the instinct of universal humanity.

We have a liturgy, a priesthood, a scheme of salvation, and a hope of immortality. Our liturgy is the liturgy in which the desire of humanity for worship has in all ages found expression.

The essential of the liturgy is the worship in the congregation of the unseen and eternal Ruler of the universe with prayer and song. All else is form and accident and convenience. We not only have these in common, with rare exceptions, with the whole Christian world, but they are older than Christianity itself. They are older than history. They are older than the day when Agamemnon, king of men, prayed to Jove with the Greek captains,

“With hands and voice advanced to heaven,”

or when Abraham called on God between Bethel and Hai.

That mysterious law by which, in a human assembly, every emotion is multiplied in each heart by sympathy with every other, has led mankind to seek society in its cry to an unseen power for help, or its voice of thanksgiving or praise, from the beginning of time. And let us thank God that, with whatever else pertaining to religion the evil passions of men may have mingled, when the heart's worship has found musical utterance there has been no jangle or discord. When the Muses sang at the court of Jove and Apollo touched the strings, when the harp of Jubal resounded, when Miriam raised her song of praise, when David touched the sacred lyre,

“When Zion's daughters poured their lays,
With priests' and warriors' voice between,”

when the disciples sang the first Christian hymn at the last supper, when the soft voice of music broke upon the darkness of the cata-

combs, when its lofty tone filled the domes of ancient synagogues or sounded in cathedral arches, when the Covenanters' strain arose from the mossy hillside, when the Pilgrim sang on the deck of the "Mayflower" or broke the silence of the eternal forest with the anthem of the free,—it has been one song, one harmony, unbroken from the beginning, and shall continue one song, one harmony, unbroken until time shall be no more.

We also believe in a priesthood. We do not propose to submit ourselves to a confessional. We do not attribute any magic virtue to the laying on of hands. Nor do we believe that divine retributions can be averted by any exorcism from shaven lips, or that the traces of an evil life in the soul can be washed out by the sprinkling of a few drops of water, however pure, or by baptism in any blood, however innocent, in the hour of death. But none the less do we need an arm on which to lean, a voice to utter our own needs, an interpreter to us and to our children of the counsel of God in spiritual things. The time comes to all of us, to the strongest, to the most solitary, when the heart needs this consolation. Very tender histories can our pews tell of the comfort that has come to them from the pulpit. If anything on earth can aptly be called a consecration, the devotion of a pure and holy life to this office is consecration.

I beg leave to add, for myself, that I hold that metaphysical, philosophical, or controversial discussions have no place, or very small place indeed, among the duties of the minister.

To re-enforce the sense of duty; to strengthen the will; to kindle the flame of religious affection; to turn the thoughts to whatever is pure, honest, lovely, and of good report; to make Sunday last through the week; to bring consolation in sorrow; to organize charity; to stimulate Christian activity; to summon youth to holy living and brave dying; to drive the clouds of spiritual darkness from the way of men and from the wayside; to bring the kingdom of God into this world; to bring life as well as immortality to light,—these are the functions of the Christian priesthood.

When you teach your baby to use his fingers, you do not begin with a lecture on the origin and insertion of the flexor and extensor muscles. The training of the athlete is not begun by removing all metaphysical doubt as to the possibility of motion. No profession, no liberal art, no sort of human activity, waits until the question is settled whether consciousness or reason be a trustworthy instrument for acquiring knowledge. We do not wait when the feast is spread, and we are seated at the table, even for a lecture on the chemistry of food, or to

know exactly the particular function of the coats of the stomach. The stomach would prefer on such occasions to take off its coat, and go to work. So, to the leading of devoted, pure, and useful lives, in which it is the function of the clergy to be our instructor and guide, a comprehension or a study of the metaphysical and psychological questions which lie at the foundations of faith is not in the least essential. I do not think it is the function of the Christian minister to deal with these questions. There have been a few exceptions, illustrious exceptions,—Jonathan Edwards in early times, perhaps James Walker, and unquestionably James Martineau in recent times. But, as an almost universal rule, the man who is fitted for such discussions, or who has a taste for them, is unfitted by his mental constitution and by his taste for the office of a Christian minister.

“The hungry sheep look up, and are not fed.”

Do not understand me for a moment as implying that the champions of Christianity or the champions of Unitarian Christianity have anything to fear from any foeman in this or any other field of intellectual combat. Tyndall, who had more than once broken a lance with him, on hearing somebody say that James Martineau was the foremost philosophical thinker of the day, answered, “He is the foremost philosophical thinker since Saint Paul.”

But none the less for these exceptions I beg leave to say for myself to this assemblage of clergyman what, I believe, is the general opinion of the laity of our denomination and of all denominations,—that, in general, these metaphysical discussions in the pulpit, to use the pithy phrase of Solomon, which our Puritan ancestors so delighted to quote, “are but the crackling of thorns under a pot.”

We want, when we go to church, not to hear a continuance of that discussion of

“Providence, foreknowledge, will, and fate,
Fixed fate, free will, foreknowledge absolute,”

in which Milton leaves his fallen angels engaged in hell, and in which, if they are engaged still, it but serves them right. What we want to hear is counsel and inspiration in the ways of practical righteousness for our boys and girls and for ourselves. We want, when the temptation comes to us in the week-day, to have the lofty counsel which we heard on Sunday ringing in our ears. We want to hear, not of the things in which we differ from other Christians, but of the things in which we agree with other Christians. We want to go to the sermon in

the same temper with which we open the hymn-book. We want the end of the sermon and the prayer and the last note of the hymn to be in accord.

Unitarianism does not consist of a statement of things in which we don't believe. Such a statement never saved a soul, and rarely makes a convert. Unitarianism is not made up of negations, doubts, denials, hesitations, uncertainties. It is positive faith and practical works. It does not consist, to any considerable extent, in the things in which we differ from other Christians, but is made up almost entirely of the things in which we agree with them. Although the great body of Christian believers do not call themselves by our name, the great body of Christian believers believe what we believe, think what we think, love what we love, and seek what we seek. In the main, the things in which they differ from us are the non-essential, temporary, changeable, doubtful and speculative. In general, the less that is said about them, the better. The more that is said about them, the slower they will be to disappear. The things in which we and they agree are permanent, vital, certain, unchangeable.

There are some errors that demand for their overthrow that we bring our whole forces against them, that we unlimber our heavy artillery, that we besiege them as we would a fortress.

These are errors of conduct or of morals. There are other errors that these processes seem to strengthen and perpetuate. The way to get rid of them is simply to think and talk of something else.

We have also a scheme of salvation. We believe that the sinner is to be saved by the influence of divine truth and by the salvation of the soul, not from the consequences of sin, but from sin. We believe that salvation is character, and not escape. I hold that this Unitarian doctrine, when not uttered in theological phrases, or as a challenge to controversial discussion, is, in general, the belief of intelligent Christendom to-day. It is to be noted that, wherever in all our religious literature, sacred or profane, we find the most terrible assertion of the awful doctrine of a material punishment,—in Isaiah, in Dante, in Jonathan Edwards,—the condition of the redeemed soul is a condition of purity. “Though your sins be as scarlet, they shall be white as snow.” The degrees of the Paradise are degrees not so much of celestial joy as of celestial purity.

“The life of the new man,” says Jonathan Edwards, “is a life of sincere and honest endeavor to be universally and increasingly holy.” And this is one reason why he longs to be in heaven, that he may be perfectly holy. Love is a holy fire within him; and, like any other

flame which is in a degree pent up, it will and does struggle for liberty ; and this its struggling is a struggle for holiness."

I do not look for the coming of the time when what are called sects or denominations will disappear. Still less is the time to be expected or to be desired when the emulation which comes from separate organization will cease to be one of the most powerful forces in Christian activity. In the time of the apostles they began to say, "I am of Paul" and "I am of Apollos"; and, with a change of name, they have been saying it ever since. The seven churches to whom the angel of Patmos sent his messages had acquired within the time of a life which began as early as the life of the Saviour himself a separate, individual, human character and quality, each as distinct from that of the other as that of Hamlet is from that of Othello. These distinctions, these organizations, these rivalries and emulations, these strifes, are to continue until the end of time. From them, as from all things human, will come much evil, but mingled with and, as I believe, in the end to be subdued and overcome by a far larger good. But we are here to assert our property as brethren and as Christians in whatever any of them has that is excellent in its history, in its achievements, in its literature, or in its examples of brave and holy men or women. Although a dweller in Massachusetts, I claim property as an American and a countryman in Starr King of California, as I do in George Washington of Virginia. If I were a Presbyterian, I would claim a like property, as a Christian, in Starr King, the Unitarian, as in George Washington, the Episcopalian. No Athanasian creed can shut out my soul from the soul of George Herbert. No church politics can make my senses numb to the fragrance of that wreath of lilies, "The Christian Year" of John Keble. When Archbishop Ireland, then bishop of Minnesota, announced that, of the liquor-sellers in his diocese, less than five per cent. were of the Catholic faith, I wished to pay my profound homage to the man who had brought this to pass. I felt that his Christianity and that of my revered and beloved master, Dr. Edward Everett Hale, were, in essentials, very much the same. When somebody told Abraham Lincoln, during the war, that General Grant drank whiskey, he said he should like to send a barrel of the same kind to each of the other generals. I should like to send a barrel of Archbishop Ireland's theology to the other bishops. When the same man uttered in Washington, two or three years ago, his brave rebuke to the men who despoil our Southern fellow-citizens of the glory of their American citizenship, I felt I should like to send some of our Protestant clergy to his Sunday-school. If the dear

theologians have said anything unkind of us, let us hope they will think better of it when we meet them hereafter, where they will know even as also they are known. As Beatrice said to Dante of Saint Gregory,—

“ Wherefore, as soon as he unclosed his eyes
Within this heaven, he at himself did smile.”

The Christian Church, like almost everything else in this world, I believe, has been often compared to a ship. But I think, perhaps, we might compare it more aptly to a fleet, made up of ships of different build and speed, but bound on the same voyage, having the same sailing orders, and obeying alike the signals of the same admiral. Each sailor loves his own, and thinks her the finest craft afloat. Not a man in any one of them recognizes the least authority in the officers of another. There is much rivalry and emulation. In a storm you can hear from one to another the voices of the captains and the shouting. If there be danger of collision, you get occasionally a stern order to keep off, perhaps accompanied with some theological language used in a very untheological way. But every man is ready to obey the admiral's signal, whether it be Nelson or Farragut. In time of danger each is ready to go to the rescue of the other. In time of calm they interchange a thousand good offices. When the weather is good and the sea is quiet, they like to visit each other. You can sometimes hear, of a Sunday, from ship to ship, the chaplain's prayer or the chant of a solemn service, or, of a week-day, the sailors singing at the windlass. Each ship has its own songs. From one rise the sweet strains of Wesley, from another the pious refrain of Doddridge or the lofty organ-tone of Watts. From our own ship goes up the watchman's voice of good cheer, as he answers what of the night, or the heart-stirring chorus,—

“ Nearer, my God, to thee,
Nearer to thee !”

From the oldest and largest of them all come the accents of foreign tongues and of dead languages and of ages long gone by.

There is another craft whose beautiful lines and graceful curves are the admiration of the whole fleet. Her officers are not always over-eager to invite us to their company; but yet let us say, with Andrew Marvell,

“ Still sing they in the English boat
A holy and a cheerful note.”

We share, also, with Christians everywhere, the supreme certainty

that the Power which has established this fabric of things is conscious and is beneficent. Upon this foundation, in all ages, has rested the hope from which cometh to man and nations every gift of noblest origin,—the hope of immortality. In virtue of this faith we claim our place in the ranks of those who, by whatever name they call themselves, are striving to bring in the kingdom of God, and that his will may be done on earth as it is in heaven.

ORATION

DELIVERED AT

PLYMOUTH,

DECEMBER 21, 1895,

AT

THE CELEBRATION OF THE TWO HUNDRED AND
SEVENTY-FIFTH ANNIVERSARY

OF THE

LANDING OF THE PILGRIMS,

BY

GEORGE F. HOAR.

PRESS OF RUFUS H. DARBY,
WASHINGTON, D. C.,
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ORATION.

Surely that people is happy to whom the noblest story in history has come down through father and mother by the unbroken traditions of their own firesides. If there be one thing more than another for which we have to thank God on this anniversary, it is that the tale we have to tell is a familiar household story. The thoughts which are appropriate to the day are commonplaces. Every generation since the Pilgrim landed here has held his memory dear. The light of later days, that has dispelled the intellectual darkness of his time, gives new luster and added nobility to his simple and reverend figure.

So far as honor can be paid by the utterance of the lips, or by the tender affection of the heart, his descendants have never failed in what is due to the Pilgrim. The faults of other founders of States have not been forgotten. They have been kept alive in human memory, not only by the jealous criticism of men of other blood, but by the severe judgment of history. The founder of Rome, the Norman Conqueror of England, the Spaniard in the South, the Cavalier of Jamestown, the settler of the far West—even the Puritan of Massachusetts—is known in history quite as much by his faults, or by his crimes, as by his virtues. Puritan and Cavalier, Royalist and Roundhead may be terms of honor or terms of reproach. But the word Pilgrim is everywhere a word of tenderest association. There is no blot on the memory of the Pilgrim of Plymouth. No word of reproach is uttered when he is mentioned. The fame of the passenger of the Mayflower is as pure and fragrant as its little namesake, sweetest of the flowers of spring. He is the stateliest figure in all history. He passes before us like some holy shade seen in the Paradiso in the vision of Dante.

Certainly you have not failed in due honor to the Pilgrim's memory. You have given him, in every generation, of your best. No incense, no pageant, no annual procession, no statue—though Phidias were the sculptor—no temple—though the dome were rounded by the hand of Angelo—can equal as a votive offering the imperishable oration of

Webster. It is the one best offering which could be laid on the Pilgrim's shrine. That majestic eloquence, if not equaled, has been worthily followed by the consummate grace of Everett, the more than oriental imagination of Choate, the stately dignity of Winthrop. Here, too, has stood Sumner—Sumner of the white soul—to lay his wreath on the Pilgrims' altar in right of a martyr spirit, lofty and undaunted as their own. You may well believe that if a competition with these masters were expected to day, I might—as might any living man—shrink from the comparison. But it is not from human, it is not from living lips that you are expecting the lesson of this occasion. You are here to listen to the voice of the dead; to meditate anew the eternal truths on which your fathers founded the State. This imperial people, if it is to bear rule over a continent, must listen to the voice of which David spake with dying lips—

“The Rock spake to me.”

You are here to hearken to the voice of the rock.

The most precious earthly reward of a well-spent life is the gratitude and love of children. Surely the Pilgrim has had that. But he looked to no earthly reward, however precious.

“They knew they were Pilgrims, and looked not much on those things, but lifted up their eyes to Heaven, their dearest country, and so quieted their spirits.”

How few of them there were. There were but forty-eight men who landed upon the rock. But forty-one names are signed to the compact. Of the twenty men who survived the first winter, there are, according to Dr. Palfrey's estimate, not more than eleven—one less than the number of the Apostles—who are favorably known. The rest are either known unfavorably or only by name. Surely the parable of the mustard seed, than which, as Edward Everett said, “the burning pen of inspiration, ranging Heaven and Earth for a similitude, can find nothing more appropriate or expressive to which to liken the Kingdom of God.” is repeated again. “Whereunto shall we liken it, or with what comparison shall we compare it?”

"It is like a grain of mustard seed, which, when it is sown in the earth, is less than all the seeds that be in the earth.

"But when it is sown it groweth up, and becometh greater than all herbs, and shooteth out great branches; so that the fowls of the air may lodge under the shadow of it."

Though the heavens be rolled up as a scroll, this story is worthy to be written upon the scroll. Though the elements shall melt with fervent heat, this pure and holy flame shall shine brightly over the new heavens and the new earth. It is no story of what other countries have deemed great. There is no royal escutcheon, no noble coat armor, no knightly shield. But they bore the whole armor of God, their loins girt about with truth, having the breastplate of righteousness; their feet shod with the preparation of the gospel of peace; taking the shield of faith and the helmet of salvation, and the sword of the spirit, which is the word of God.

Let no man fancy that because they were few in number, these men were insignificant. You know the history of heroism better than that. It is Leonidas with his three hundred, and not Xerxes with his ships by thousands, and men in nations, that has given the inspiration to mankind for two thousand years. There fell of the English side, at Agincourt, but twenty-nine persons—

Edward, the duke of York, the earl of Suffolk,
Sir Richard Ketley, Davy Gam, esquire;
None else of name; and of all other men,
But five and twenty.

But somehow Davy Gam, esquire, has hovered over the English lines on a hundred fields of victory, from Cressy to Quebec, from Quebec to Waterloo. "C'est toujours le meme chose," said Napoleon when he yielded himself prisoner. That spirit came ashore at Plymouth. It crossed the ocean to abide. It takes no account of numbers and needs no numbers for its victories.

O God, Thy arm was here,
And not to us, but to Thy arm alone,
Ascribe we all. Take it, God,
For it is only Thine.

Miles Standish, whom an accomplished descendant well calls the Greatheart of the Pilgrims, with his little army of fourteen men, inspired with this spirit, was a power mightier than all the hosts of Xerxes. They fought for a stake more precious than that of Marathon or Waterloo, as Christian freedom is of higher value than Grecian civilization, or than the empire of Europe. The court was of a dignity that no Areopagus could equal. The little Senate consisted of but nine men. But it was making laws under the first

written Republican constitution, which held in itself the fate of all others.

I wish to speak of the men who landed on Plymouth Rock on the day whose anniversary we celebrate;—of what they were, what they brought with them, of the republic they founded, what they left to their posterity that now remains, and what is hereafter to abide. Other contributions, whether for good or evil, to that composite life and character which we call America, will not lack due consideration elsewhere. Some of them were made in the very beginning, at Jamestown, at Salem, at New York, at Baltimore, under the spreading elm at Philadelphia. Others are of later time. Some of them have come in our own time, from Ireland, from England, from Germany, from Canada, and from that Northern hive whose swarm first brought the honey of freedom to the island of our ancestors. They have not lacked, and will never lack, due honor. But it is to this one alone that this day belongs. The topic may perhaps seem narrow and local. It may be said of the Pilgrim quality what your admirable chronicler, Mr. Russell, says of the Mayflower: "A pleasing fiction obtains with some good people hereabouts, viz., That this little flower is peculiar to this section of the country." But to me, looking forward as best I can into the future and seeing how they have already leavened this nation of ours, the subject seems sometimes as large and broad as if I were to undertake to speak of the consequences of the creation of Adam and Eve.

The commonwealths which were united in 1692 and became the province of Massachusetts Bay are still blended in the popular conception. Their founders are supposed to have the same general characteristics, and are known to the rest of the world by the common title of New England Puritans. I suppose this belief prevails even in New England, except as to a small circle of scholars and the descendants of the Pilgrims who still dwell in the Old Colony, and who have studied personally the history of their ancestors. Many of our historians have treated the two with little distinction, except that the suffering of the Pilgrim, the dangerous and romantic voyage of the Mayflower, the story of the landing in December and the hardship of the first winter have made, of course, a series of pictures of their own. Even Mr. Webster, after narrating as could have been done by no other chronicler who ever lived, these picturesque incidents, proceeds in his oration of 1820 to discuss the principles which lay at the foundation of the Puri-

tan State, and which were, in the main, common to both communities.

Yet the dwellers of Plymouth know well the difference between the Pilgrim that landed here and the Puritan that settled in Salem and Boston. The difference was as great as would have been if the members of the established church had been driven into exile, and one colony founded by Jeremy Taylor, or George Herbert, and one founded by Bancroft or Laud. If the anti-slavery men of our later day had shaken the dust off their feet against the Constitution and the Union, and gone to some unoccupied island in some remote and barbarous archipelago, the difference would scarcely have been greater between a colony founded by Waldo Emerson, or Samuel May, and one founded by Garrison or Parker Pillsbury, or Stephen Foster, than that between the men of Plymouth and the men of Salem. Both were Englishmen. Both were, as they understood it, Calvinists. Both desired freedom. They had the tie of a common feeling, of a common persecution, of a common faith, and of a common hope. I wish I could add, descendant as I am of the Massachusetts Puritans in every line of descent that I can trace since the time when the name was first heard, the tie of a common and equal charity.

The compact on board the Mayflower was the beginning of a State. Another State was begun at Salem by the company who came over with Endicott. There were marked resemblances in the quality of these two communities, as would be expected from the similarity of their origin. There were likewise marked differences, as would be expected from the individual character of the men who most largely influenced them. There were doubtless men in the Puritan state penetrated by the Pilgrim's spirit. John Winthrop himself, the foremost single figure in the Massachusetts colony, would have been in all respects a loving companion to Bradford, and a loving disciple to Robinson. But it must, I think, be admitted that while Bradford was an example and representative of the prevalent spirit of Plymouth—a spirit that finds its expression in the teaching of Robinson—Winthrop was a restraint and a repression of the intolerance of the Massachusetts colony.

Nathaniel Ward, of Ipswich, author of the Body of Liberties, which, though it was never printed till within the memory of some of us, served, practically, as Constitution and Bill of Rights to Massachusetts until 1684, if not until 1780, says in the Simple Cobbler of Aga-

wam: "It is said men ought to have liberty of conscience, and that it is persecution to debar them from it. I can rather stand amazed than reply to this. It is an astonishment to think that the brains of men should be parbolled in such impious ignorance. No practical sin is so sinful as some error of judgment; no man so accursed with indelible infamy and dedolent impenitency as authors of heresies."

Now compare this with the farewell counsel of John Robinson, reported by Winslow: "We are, ere long, to part asunder, and the Lord knoweth whether ever he should live to see our face again. But whether the Lord had appointed it or not, he charged us before God and His blessed angels, to follow him no further than he followed Christ; and if God should reveal anything to us by any other instrument of His, to be as ready to receive it as we were to receive any truth by his ministry; for he was very confident the Lord had more truth and light yet to break forth out of His Holy Word."

This is the Pilgrim's declaration and, if we do not read the world's history amiss, the world's declaration of religious independence. Let it stand forever by the side of the immortal opening sentences of the Declaration at Philadelphia. They are twin stars, ever shining in the great constellation of the Northern sky, pointing to that eternal Polar star of truth which hath no fellow in the firmament.

There were beautiful and pure souls in the Puritan State, for whose translation into the blessed society of the immortals there seemed nothing of a gross mortality to be pruned away. Winthrop is still our foremost example of a Christian ruler, till the coming of Washington. The second John Winthrop was a worthy son of such a father. The claim of his accomplished descendant that no purer or nobler or lovelier character can be found in the history of Connecticut, whether among Governors or among governed, than that of the younger Winthrop, may safely be enlarged to include any State that ever existed. The Winthrops were Christian gentlemen, fit for the companionship of Bradford and Brewster, and there can be no higher praise. There were, as you know, evil men in the company of Pilgrims. But still, the character of the Pilgrim finds its perfect portraiture in Bradford's exquisite phrase—"God's free people"; while the word Puritan calls up the imagination a sterner, harsher, earthlier image. Blackstone said, "I came from England to escape the Lord Bishops;

and I cannot join with you because I would not be under the Lord Brethren." The Puritan brought with him to Salem much of the spirit which had driven him from England. His experience had been an experience of persecutions. What Milton calls the "fury of the Bishops" was still raging. Severity applied to men of English blood begets severity and defiance.

"What wonder if in noble heat,
Those men thine arms withstood,
Retought the lesson thou hadst taught,
And in thy spirit with thee fought,
Who were of English blood."

There was a yearning for Christian unity both by Puritan and Pilgrim. The leaders of both Colonies were English gentlemen. They were attached by many tender ties to the Church of England. The farewell letter to the Massachusetts Company, which Mr. Winthrop thinks was written by his ancestor, is a cry of the heart. The love for that dear Mother, the Church of England, "from whence we rise, ever acknowledging that such hope and part as we have obtained in the common salvation, we have received in her bosom and sucked it from her breasts," was stirring in the bosom of John Robinson also. Doubtless if the persecution had ceased, the division would have ceased. Edward Winslow says: "The foundation of our New England plantations was not Schisme, division or separation, but upon love, peace and holiness; yea, such love and mutual care of the church of Leyden, for the spreading of the Gospel, the welfare of each other, and their prosperities to succeeding generations, as is seldom found on earth."

The Puritan had a capacity for an honest, hearty hatred, of which I find no trace in Pilgrim literature. Indeed a personal devil must have been a great comfort to our Massachusetts ancestors, as furnishing an object which they could hate with all their might, without violation of Christian principles.

The experience of the Pilgrim at Leyden had been an experience of peace. There was much in Holland to shock the strictness of our Fathers. They viewed, undoubtedly with great disfavor, the thought that they or their children should be blended with either the political or the religious life of Holland. But they were received at Leyden with an abundant welcome and hospitality. Among the most valuable lessons which trained them for the founding of their State, are the lessons learned under Holland. The softening and liberalizing influence of those eleven years on Robinson himself is clearly to be discerned.

Massachusetts united Church and State in the beginning, admitting none but freemen to be Church members. Church and State were always separate in Plymouth. There was never any "soul liberty" advocated or vindicated by Roger Williams that did not exist at Plymouth. Certainly, he did not leave Plymouth on compulsion. "That great and pious soul, Mr. Winslow," he says, "melted and kindly visited me, and put a purse of gold into the hands of my wife for our supply."

There is no danger that we shall ever forget what the children of the Puritans have to say in reply. They had to preserve their State from danger within and without, from foe spiritual and from foe temporal. The little company, with the Atlantic on one hand, their only wall of defence against the hatred of King and Prelate, and the forest, home of the savage and the wild beast on the other; it was like a forlorn hope, it was like a forlorn hope of an army on a night march, to which even an uncautious whisper might be ruin. We do not forget, too, that the Puritan's intolerance and superstition were, with the single exception of his brother at Plymouth, the intolerance and superstition of all mankind; and that, with the single exception of his brother at Plymouth, he was the first of all mankind to cast them off. Puritanism is a character, a force, and not a creed. Let others, if they like, trace their lineage to Norman Pirate or to Robber Baron. The children of the Puritan are not ashamed of him. The Puritan as a distinct, vital and predominant power, lived less than a century in England. He appeared early in the reign of Elizabeth, who came to the throne in 1558, and departed at the restoration of Charles II, in 1660. But in that brief time he was the preserver, aye, he was the creator of English freedom. By the confession of the historians who most dislike him, it is due to him that there is an English Constitution. He created the modern House of Commons. That House, when he took his seat in it, was the feeble and timid instrument of despotism. When he left it, it was what it has ever since been, the strongest, freest, most venerable legislative body the world had ever seen. When he took his seat in it, it was little more than the register of the King's command. When he left it, it was the main depository of the national dignity and the national will. King and Minister and Prelate, who stood in his way, he brought to the bar and to the block. In that brief but crowded century he made the name of Englishman the

highest title of honor upon the earth. A great historian has said, "The dread of his invincible army was on all the inhabitants of the Island." He placed the name of John Milton high on the illustrious roll of the great poets of the world, and the name of Oliver Cromwell highest on the roll of English sovereigns. The historian might have added that the dread of this invincible leader was on all the inhabitants of Europe. Puritanism crossed thesea with Winthrop. It planted Massachusetts and Connecticut. It fought the war of the rebellion. The spirit of English Puritanism was transformed into the spirit of American liberty. The saviour of the English Constitution was the creator of the Constitutions of America, and, in a later day, was their saviour also. It put down the rebellion. It abolished slavery. It kept the National faith. In spite of the other elements—Scandinavian, German, Italian, Celt, that are blending with our national life, under our free hospitality, it was never, in my judgment, more powerful than at this hour.

The children of the Puritan are willing to accept any challenge to a discussion of his character and his title to the respect of mankind, from any antagonist, east or west, north or south, at home or abroad, from prelate or from conventicle, from churchman or from infidel, from foreigner or from degenerate offspring. There are some modern revilers of the Massachusetts Puritans, who have sprung from Puritan loins. I should like to ask them what they make of the single fact of the founding of Harvard College. But one of the highest titles of Plymouth to honor is the fact, that, as the two communities became blended, the spirit of the Puritan was subdued and softened by the spirit of the Pilgrim.

I am not unmindful that there is one high authority for an opinion which, if accepted, would deprive John Robinson of his highest glory and would even rob the event we celebrate of much of its splendor. Dr. Dexter, the historian, the champion, the lover of New England Congregationalism, thinks that John Robinson was speaking of Church government only, and did not mean to say that there was to be expected from the word of God any further light on the essentials of Christian doctrine or of saving faith.

Every student of the great things of American history, every son, every lover of the Pilgrim, must cherish the memory of Henry M. Dexter. The occasion should not pass without a word of honor for his name. What we know of the life of the Fathers at Leyden, and what we

know of their origin in England, is due to him, I am not sure but more than to all other investigators put together. It is not surprising that this born champion and combatant should have refused to concede, even to the authority of John Robinson, that the faith to which he was born and bred did not contain, as expressed in its venerable formulæ, the whole counsel of God. The learned doctor says: "I conceive it to be quite impossible for any candid person to read carefully Robinson's defence of the doctrine propounded by the Synod at Dort, without reaching the conclusion that the Leyden Pastor was in entire agreement with the Synod, not merely in the articles of faith which it has formulated, but in that animus of infallibility and in exposure to essential future modification, in which it held them." I have read the volume carefully and with so much of candor as God has vouchsafed to me. While, undoubtedly, it affirms and most vigorously defends that Calvinistic faith which the writer, and the men of his congregation, held, and which the Fathers brought with them to Plymouth, the faith which has wrought for so many ages such wonders for humanity, a faith which has been held dear by so many martyrs of liberty, and so many of the great builders, in the old times, and in the new, who have builded States in Christian liberty and law, the faith of the founders of Republics in Switzerland, in Holland, in England, in New England, yet I can find in that great argument no animus of infallibility, and no claim that the light which is to break forth from the word hereafter may not illuminate them also, and that it will not penetrate the great temple of Christian doctrine instead of being stayed in the porches and approaches. The preface to the defence of the Synod at Dort itself to my apprehension, states as clearly, if not as eloquently or tersely, the doctrine of the farewell address. Speaking of the substance of faith and the very essence of salvation, he rebukes his antagonists for thinking that they have seen the whole of God's truth. "It is true we ought not," he says, "to look on our things alone, as if we alone had knowledge, and conscience, and zeal, and souls to save: 'but every man also on the things of others,' though in some things differing from them, as having these things, as well as we: and therewith considering, that many eyes see more than one, and that specially having, as so many spectacles, the advantages of knowledge of tongues, and arts, with daily travail in the scripture, which in us are wanting. And thus serving

God, in all modesty of mind, and being sincere in the truth in love, we shall be much fitter, both to help others, and to be helped by them in the things agreeable thereunto."

In these words John Robinson sounds the keynote of his distinctively theological treatise, which he put to press in 1624, four years after the departure of the Pilgrims and only a year before his death. He was speaking not of Church government or ritual or form, or ceremonial, but of predestination, of election, of the law of conscience, of the fall of Adam and God's foreknowledge and truthfulness, of original sin, of baptism, of the covenant with Abraham and of a new and better covenant, of the five points of Calvinism, of the Declaration of the Synod, a declaration made by men who differed essentially, in ritual and church government, from him and from each other. And it is of these that he declares that we are not to look, not to think on our things alone, as if we alone had knowledge, but every man also of the things of others, as having eyes to see as well as we, and advantages of knowledge of tongues and arts, with daily travail in the scripture, "which in us are wanting," and calls upon his people "to serve God in all modesty of mind, and so to be fitter both to help others and to be helped by them."

Dr. Dexter well says, "We have too much judged the Puritans, and too much allowed the world to judge them, in the light of our generation instead of the light of their own; forgetting and helping others to forget out of what a horror of thick darkness they were scarcely more than commencing to emerge." It is the glory of John Robinson that he was conscious of the darkness of his time, for, "saith he," as Winslow reports, "it is not possible the Christian world can come so lately out of such thick anti-Christian darkness, and that full perfection of knowledge should break forth at once."

The sublime utterance of John Robinson would become not only tame but petty and ludicrous and ridiculous, if we were to add to it any phraseology which would limit its meaning, in accordance with Dr. Dexter's suggestion.

John Robinson would have dreaded nothing more than to have led any weak brother astray. If he could but have seen in that prophetic vision into which his soul was lifted and wrapt in the mingled agony and joy of the day of parting at Delft Haven, how countless generations dwelling in and ruling a continent larger than Europe would hearken to the lofty music of that utterance, how

they would rejoice in it as itself the auroral light of the new day that was to break forth from the word of God; he would, if Dr. Dexter be right, have hastened to add:

"Mistake me not, my brethren dearly beloved. This relateth only to the fashion of vestments; to the posture of the body in prayer; to the authority of elders, and the virtue conveyed by the imposition of hands. The horror of thick darkness, through which the world hath passed, and is yet passing, still giveth light enough for everything beside. In all essential things, the whole counsel of God, though unknown to Abraham and the Fathers, to Moses and the Prophets, to all mankind before the Saviour's coming, and to the vast majority of mankind ever since, is fully known to me and to the Synod at Dort. No modesty of mind leadeth me to think I can be helped by others, or that the advantages of knowledge of tongues and arts, with daily travail in the scripture, which in us are wanting, availeth aught in these things."

It is no rash conjecture that the first spirit whose pure companionship our excellent Dexter would have sought in the realm where he has gone, was the spirit of John Robinson. He would have already learned his mistake before their meeting. As Beatrice said to Dante of Saint Gregory—

"Wherefore, as soon as he unclosed his eyes,
Within this heaven, he at himself did smile."

Dr. Thomas Fuller, whose wit has prevented his getting the credit due to his profound wisdom, was born in 1608, within a mile of Robert Browne and not far from the cradle of the Pilgrims at Scrooby and Austerfield. He was a clear-eyed and not unsympathetic observer. He says of the Pilgrims in his Church History:

"They laid down two grand ground-works on which their following fabric is to be erected:

"First. Only to take what was held forth in God's word, leaving nothing to Church practice or human prudence, as but the iron legs and clay toes of that statue whose whole hand and body ought to be pure gold;

"Second. Because one day teacheth another, they will not be tied on Tuesday morning to maintain their tenets of Monday night, if a new discovery intervene."

Holland, as the researches of recent writers have shown, exercised a large influence on civil and religious liberty in England. The traces of this influence appear in the Puritan commonwealth. All the Protestant Reformers in Europe

who rejected Episcopal authority constituted one brotherhood, and had a large influence on each other. All of them regarded Holland as their champion and defender. But the Pilgrims of Plymouth bore to Holland a relation borne by no other. She had been for 18 years their sanctuary, their home, their school, their university.

Governor Bradford says, "They resolved to go into the low countries where there was freedom of religion for all men." The Pilgrim brought from Holland an experience of freedom, civil and religious, then unknown elsewhere on the face of the earth. Schiller said, "Every injury inflicted by a tyrant gave a right of citizenship in Holland."

The church of the Pilgrim had its direct connection with Christ. There was no human link between. If He were not its rock, it had no foundation. If He were not its Father, it had no paternity. If He were not its support, it had no strength. If He were not its root, it was not planted in the soil. The church planted at Scrooby and Austerfield, rooted at Leyden, transplanted to Plymouth, was a band of Christians independent of any earthly power, as direct an emanation from the spirit of Christ as the church first formed at Antioch. There were but two places on earth at that day where such a church could abide. One was Holland and the other the unbroken wilderness of America. Robinson's definition of a church is this: "A company consisting though of but two or three, separated from the world whether unchristian or anti-christian, gathered unto the name of Christ by a covenant made to work in all ways of God known to them, is a church, and so hath the whole power of Christ."

I do not know that there is any discussion of the principles of civil liberty in Pilgrim literature. They make no complaint of merely political oppression. Their enemy was the hierarchy. Their tyrant was the law which enforced conformity. But they were ready for self-government. During the first twelve years they exercised all those functions of government which are now performed in towns, counties and commonwealths.

The Pilgrim had seen in Holland the best example ever seen in his time or before of municipal Republican government. The compact signed on board the *Mayflower* was the necessary and natural result of what he had learned in the Low Countries.

So far as I know there is no allusion to political freedom from the lips or the pen of any of the founders of Plymouth. The compact begins with a declaration that

they "are the loyal subjects of our dread Sovereign, Lord King James, by the Grace of God, of Great Britain and France and Ireland—King, defender of the faith," etc., and that they have undertaken their voyage for the glory of God and the advancement of the Christian faith, and honor of their King and country. And yet the present necessity led them to make what has been called the original social compact, in the form of as pure a Republic as was ever known on earth before or since. Indeed the doctrine on which the Revolution was fought afterward, of absolute independence of the British Parliament, is clearly implied from their original constitution. In De Rasriere's exceedingly spirited letter describing Plymouth, in the 7th year after the landing, is the whole statement of the contention of our Revolutionary fathers in one pregnant sentence, "Whereby they have their freedom without rendering an account to anyone, only if the King should choose to send a Governor-General they would be obliged to acknowledge him as Sovereign Chief." On the other hand, the Puritans of Massachusetts were impelled to their emigration largely by the thirst for political freedom. They dreaded schism. Yet they were speedily compelled to sever the tie with the established Church, that Mother to whom Winthrop and Higginson had uttered their despairing and loving cry. When religious liberty set her foot on the rock at Plymouth, her inseparable sister, political freedom, came with her. And when political liberty landed at Salem, there could be no long separation. The other sister instantly followed.

The Puritan, it is true, was a religious enthusiast. But it is also true that his history belongs to the political and not to the religious history of the race. His work was the defence of civil liberty, the framing of constitutions and statutes, resistance to tyrants, diplomacy, conquest, the stern conflict and the stern triumph of battle. The founders of Massachusetts, and the men with whom they took counsel and agreed, were busy, sagacious, influential, and active politicians, intent on political reforms in England and on carrying out their principles in both countries.

The influence of the Pilgrim is a spiritual influence. His soul thirsted for God, for the living God. Civil liberty came to him as an incident.

Mr. Webster says that although many of them were Republicans in principle, we have no evidence that our New England ancestors would have emigrated merely from their dislike of the political

system of Europe. "They fled not so much from English Government as from the hierarchy and the laws which enforced conformity to its establishment." He adds that toleration was a virtue beyond the conception of Queen Elizabeth, and beyond her age and that of her successor. Both these statements are doubtless true. But the Pilgrim Fathers brought with them the desire for absolute civil and religious liberty for themselves, and they brought with them an absolute purpose to conform to the will of God as declared in the scriptures and as interpreted by the individual conscience. Especially they brought with them the Golden Rule. The logical consequence of these two principles, taken together, must be inevitably the establishment of a perfect civil and religious liberty.

The Pilgrim had none of the Puritan's harshness, intolerance or religious bigotry. He was like him in the absolute submission of his own will to the will of the Creator, both in personal conduct and the conduct of the State, in deeming this world as of little account but in its relation to another.

The Pilgrim had the Puritan's faith in a personal immortality and in a living God. Like the Puritan, he demanded absolute obedience to the voice of conscience in the soul.

He was like the Puritan in believing in a future life where just men were to enjoy immortality with those whom they had loved here;

He was like the Puritan in that he was comforted and supported by that belief in every sorrow and suffering which he encountered;

He was like the Puritan also in believing in the coming of God's Kingdom in this world, and that the State he had builded was to abide and to grow, a community dwelling together in the practice of virtue, in the worship of God, in the pursuit of truth.

There was no church membership, as in Massachusetts, required in Plymouth for political franchise. They had no thought of Republicanism till the compact. But they learned to think of Republican government, without being startled, from their brethren who had been at Geneva, and chiefly from their own sojourn in Holland.

The Pilgrims had seen in Holland the oldest and best system of common schools in Europe. Indeed their answer to the charges sent from London in 1622 gives ample evidence that from the very beginning they deemed universal education a necessary of life.

They had seen in Holland the constant

reading of the Bible in all households. There had been twenty-four editions of the New Testament and fifteen of the Bible printed in the vernacular before they left Leyden.

They had lived under the shadow of the foremost university in Europe, which had set them an example of a large liberality, to which Oxford was a stranger till nearly 250 years afterward.

They had seen a people living under a written constitution, expounded by an independent judiciary.

They had seen, and Brewster had wielded, the strength of that irresistible engine, a free press.

They had seen the practical working of that equal division of inheritance among all the children, of which Mr. Webster said here, "Republican government must inevitably be the result."

They had learned in Holland the importance and convenience of a public registration of deeds.

They had seen the security to individual freedom of a written ballot.

All these things America owes to the Pilgrim of Plymouth, and the Pilgrim of Plymouth owes them to Holland.

There landed on Plymouth Rock on the 21st day of December, 1621:

a State, free-born and full grown, exercising all local, municipal and national functions through the voice of the whole people, in simple democratic majesty;

ready, as its bounds grew and its individual communities multiplied, for the mechanism of a perfect representative government;

an independent Church; having a direct connection with Christ, as did the Church in the beginning, without human link or mediation;

a people mild both in government and private conduct, tolerant, peaceful, affectionate, lovers of home, of kindred and friends, apt for social delights, fond of sound learning and the refinements of domestic life, without the greed of gain or the lust of conquest;

but possessing a rare public spirit, and the high courage and aptness for command and for success which belong to the English race;

made up of gentlemen and gentlewomen to whom refinement, education, learning, and a noble behavior were necessities of their nature;

accustomed to toil, privation and hardship;

observing the operation of a written ballot,

and of a public registration of deeds, and an equal distribution of inheritance among the children.

This little State had existed for 72 years. It enacted the mildest code of laws on the face of the earth. There were but eight capital offences in Plymouth. There were thirty one in England at the end of the reign of Elizabeth. Sir James Mackintosh held in his hand a list of two hundred and twenty-three when he addressed the House of Commons at the beginning of the present century. They established trial by jury. They treated the Indians with justice and good faith, setting an example which Vattel, the foremost writer on the law of nations, commends to mankind. Their good sense kept them free from the witchcraft delusions. They were not unprepared for a spirited self-defence, as witness Miles Standish's answer to the challenge of the Narragansett, and his stern summary justice at Weymouth. They held no foot of land not fairly obtained by honest purchase. No witch was ever hung there. In their earlier days their tolerance was an example to Roger Williams himself. He has left on record his gratitude for the generous friendship of Winslow. Gov. Bradford's courtesy entertained the Catholic Priest, who was his guest, with a fish dinner on Friday. If, like Roger Williams himself, they failed somewhat, as in the case of the Quakers, in the practical application of a principle for which the world was not ready, their practice and their principles soon came to be in accord. When we remember that our Baptist friends wanted the term "damnable heretics" to include Unitarians and to have them banished, that within a year from the beginning of the Revolution New York shut out Catholic Priests from her limits under the penalty of death, and that in Maryland it was a capital crime to be a Unitarian as late as 1770, you will hardly care to devote much space to this blemish on the Fathers of Plymouth. And when at last, in 1692, Plymouth was blended with Massachusetts, the days of bigotry and intolerance and superstition, as a controlling force in Massachusetts, were over.

The past is not secure unless it be followed by a worthy future. The Pilgrim will fail unless his posterity be fit to keep his fame. Has the experience of two hundred and seventy-five years strengthened or weakened the influence of the Pilgrim's character, or the power in human history of the faith, the principles, and the institutions which he brought with him when he landed upon the rock? Do they vindicate their authority in personal conduct, and the conduct of the States? Are they stronger

or weaker now than then? How far have we kept the faith of the Fathers? Are we to transmit it unimpaired to our children? What have we of rational hope that our children will transmit it in turn unimpaired to their heirs? It is well, I think, that at no infrequent periods this account should be taken.

Are the devout religious faith, obedience to the voice of conscience in the soul as a guide to the individual and the State, civil liberty, civil government, liberty in religion, the quality of the English race, and the free institutions brought by the Fathers from England and Holland and established here, blended and in harmony in the character of a great people, living and strong to-day as they were in the first generation? Do we leave them unimpaired to our children? Are they to abide?

One thing we must not fail to observe. It is quite clear that when we consider the elements I have imperfectly described, which gave the Pilgrim State its distinctive character, that no one of them could be spared, if that distinctive character is to be maintained. Probably as bright examples of each could be found elsewhere. It is the fact that these shining qualities were united and blended in the Pilgrim that gives him his distinction.

The Pilgrim was possessed by an intense religious faith, and for it he was ready to encounter suffering and death. But there are plenty of examples in history of a religious faith as intense, to which its votaries have been ready to make as absolute a surrender of self, which the Pilgrim would have accounted as a gross superstition. Gerald, the assassin of William the Silent, was as sure he was doing the will of God as was his victim. He met his death and the terrible torture which preceded it with a courage as undaunted as that of any hero in history. He fortified himself for his crime by reading the Bible, by fasting and prayer, and then, full of religious exaltation, dreaming of angels and of Paradise, he departed for Delft, and completed his duty as a good Catholic and faithful subject. When his judges questioned him, when they condemned him to have his hand enclosed in a tube, seared with a red hot iron, to have his arms and legs and thighs torn to pieces with burning pincers, his heart to be torn out and thrown into his face, his head to be dissevered from his trunk and placed on a pike, his body to be cut into four pieces, and every piece to be hung on a gibbet over one of the principal gates of the city, he showed no sign of

terror, no sorrow, or surprise. Fixing his dauntless eye on his judges, he repeated with steady voice his customary words, "Ecce homo!"

The Moslem, the Indian, the Hindoo meet torture and death with a courage as dauntless as that of the Pilgrim.

The subjection of the individual will to the law of duty, whether in personal conduct or the conduct of states, is as manifest in the Spartan as in the Puritan, and has had many examples since the day when the epitaph of the 300 was inscribed at Thermopylæ:

Stranger I tell it to Lacedæmon,
That we lie here in obedience to her laws.

The love of freedom appears and has burned brightly in the bosoms of men of all races and of all ages. We have no right to make a claim for the Pilgrim which we cannot allow to the Athenian or the Swiss, or the Swede, or the Scotsman.

The institutions which the Pilgrim brought from Holland, he left in Holland.

The institutions he brought from England, he left in England.

The English aptness for command and habit of success, indomitable courage, unconquerable perseverance belonged to this race before the movement for religious freedom, and exist in the English race to-day wherever it is found.

The English language and literature are possessions shared by the whole English-speaking race. Yet the Dutch or the Swedish or the Scotch characteristics differ widely from those of the men who settled Plymouth. To ask, therefore, whether the Pilgrim character is to abide, is to ask whether the great qualities we have ascribed to the Pilgrim are to remain blended, united, living, though perhaps softened, in the lapse of years.

I suppose we must admit it to be true that with men of thoughtful, instructed, conscientious natures, the authority of the statement of religious faith that satisfied the Pilgrim, has been shaken in recent times chiefly by two causes:

1st. The researches of modern science have occasioned disbelief in the scripture narrative of the creation, and in the miraculous suspension of natural laws which the scripture records, and on which the claim of Christianity was largely rested in their day.

2d. The modern knowledge of the physical frame of man seems to establish the existence of physical causes for what our fathers were wont to consider purely spiritual manifestations, and so to make it seem more likely that the soul depends for its own existence and capacity for

action upon the continued existence of the body.

The religious faith of mankind, declared in different periods, always makes use of the framework, the setting, the imagery, the illustration, which is furnished by the accepted scientific knowledge of the time when it is uttered. Certainly to this the teaching of our Bible, both in the Old Testament and in the New, is no exception. These beliefs, taught from very imperfect scientific information, seem to be inseparably and inextricably blended with the moral and religious truths which they have been used to illustrate, and to render conceivable. At every forward step of science, as she makes some new revelation to her students, she seems to overthrow the religion of which she has been the handmaid. So every great discoverer in science, from Galileo to Darwin, from the discovery of gravitation and the slow geologic processes of the planting of the coal and the formation of the rocks to the discovery of the evolution and kindred of all animate nature, appears to the teacher of the accepted religion of the time as a skeptic if not as an infidel. No astonishment could exceed that of John Robinson if he could hear the scientific illustrations by which the most conservative and orthodox of his Calvinist successors undertake to make plain the counsel of God to a congregation of most obedient and docile disciples to-day. So every period of scientific progress seems to a superficial observer to be a period of religious and spiritual retrogression.

Does the faith that supported the Pilgrims, the faith in a personal immortality, in a conscious and benevolent Creator of the world who watches its affairs with a personal intelligence, and directs them with a loving purpose, as a father guideth his children, abide unimpaired as an influence in the government of States and of personal conduct to-day? This is the theme of all themes, the question of all questions. It cannot be passed by on any solemn public occasion which is devoted to the memory of the Pilgrims. I think, speaking for myself, that when the new law which science has shown to us becomes clear, not only to the genius which has first perceived it, but to the common apprehension of mankind, the eternal verities of a conscious and benevolent Creator, and a personal, human immortality reappear clearer and stronger. Even the skepticism of modern thought will at least agree to this, that the faith in righteousness, the willingness of mankind to obey a law higher than their own desire, grows stronger from age to age.

It was never stronger than to-day. The belief in what has been called the power in this world that makes for righteousness is stronger than ever, even in the minds of men who reject a miraculous or a religious sanction of its commands. The faith in miracles may have abated. The miracle may have been consigned to a place among the lower and grosser arguments which enforce obedience to the divine behest of duty. It is at best but milk for babes. But the faith drawn from the history of the constant law which prevails in the ordinary government of the universe has more than taken its place.

The scientific inquirer makes his inquiry from a love of truth; and the lover of truth will never be other than an obeyer of duty.

Science traces the inperceptible steps by which inorganic matter reaches life, sensation, consciousness, will, conscience. She tells us, if we understand her, that in uncounted, perhaps unimaginable ages the atoms of dead dust have stirred and quickened into vegetable life. The vegetable has become conscious of an animal nature. The animal acquires human intelligence. But the voice of duty was full and clear in the morning of creation. The voice which Adam disobeyed, to which Abel and Abram listened, to which the Prophets and Pilgrims gave their lives was heard in fullest strength when the human intelligence first became conscious of itself. Ever it overcomes and masters all the forces which science discovers or comprehends.

Groping science lays bare the cells and brings under its microscope the minute powder in whose gray globules are held in store all thoughts and memories. But the will, lord of thought, summoning memory from its cell with sovereign power, still dwells in its cloud, mysterious, unapproachable, inaccessible.

Science from age to age tells us more and more of the physical instrument by which the mind—the will—enforces its commands. It lays bare the mechanism, the secret spring by which the physical frame is set in motion. But it has added nothing to our knowledge of the mind itself, of the spiritual being which is conscious of itself, which in its sublime freedom chooses for itself the law which will obey, and even when it pays its homage to its Creator, or to His mandate of duty, pays only a free and voluntary homage.

If any man doubt that the faith in justice and righteousness, and their power as a practical force in the government of the world is increasing from age to age, whatever may be the sanction, let him read the lives of the men who for the past

generation have been chosen by Great Britain for the government of her 250 million subjects in the East. An almost unlimited power, gained without scruple used for generations as a provision for the children of her upper classes, has become steadily and surely an example of moderation, humanity and justice. There can be found few finer examples of the character of the great race from which we are so proud to be descended, than Lord Lawrence, or Lord Mayo, or Sir James Stephen.

"The Sahibs do not understand or like us," said the Indian scholar to Mr. Monier Williams. "But they try to be just and do not fear the face of man."

The belief in miracles may have diminished in strength. But religious faith is only a sanction of the moral law. The belief in a prevalence of that law as a controlling force in the world has not abated. It abides. The sanction of God's law by miracles has given place to a sanction by His constant and eternal providence.

There is doubtless to-day great impatience of ecclesiastical authority, of creeds—the devices by which men seek to narrow and limit the infinite truth of God, or to thrust their weak and fallible power between the soul and its Creator. But the faith that there came to this world, nineteen hundred years ago, a majestic Being, divinely commissioned, announcing a perfect rule, and Himself a perfect example, for human conduct, was never so powerful as at this moment.

Is the principle of self-government in civil liberty as strong to-day with us as with the Fathers at Plymouth? John Cotton wrote to Lord Say in 1636:

"Democracy I do not conceive that ever God did ordain as a fit government, either in Church or commonwealth. If the people be Governors, who shall be governed?"

John Cotton's question is the great question of all history and of all destiny. The American answer to it is that if the people be the governors, the people shall be the governed. The human will voluntarily and in freedom subjecting itself to a law higher than its own desire, is the sublimest thing in the universe, except its Creator. We have 45 sovereign States united in an imperial Republic, each one of which has written in its constitution that those things which are forbidden by the moral law and the law of justice shall not be enacted in the government of the State by any human authority or accomplished by any human desire. They have created a mechanism perfect as the lot of humanity will admit for securing this re-

straint. Every generation has had and will have its own temptations, and has committed and will commit its own offences. But you will all agree with me that, not only the love of liberty but the strength of those constitutional restraints on the present desires of an impatient people grows stronger from generation to generation and from age to age. I think our generation understands better than it was ever understood before that there is something far more than the love of freedom, something far higher than freedom itself, essential to a great State or to a great soul. Freedom is but the removal of obstacles. Freedom may be for the savage as for the Christian, for the hyena as for the dove. When the fetter has been stricken from the limbs, when the caged or chained eagle soars into the sky, the time has come for labor, for discipline, for obedience. The freest people must submit to the severest and most strenuous sense of obligation, if it would lift itself to its own ideals. It must listen to a voice of higher authority than its own. The voice of the people is not the voice of God. That sentiment is alike false and impious.

The principles of the American constitutions pervade the entire continent. As the child who goes out, poor and obscure from his birthplace to seek his fortune, comes back again successful and honored and strong to enrich the parental dwelling, so the principles of civil liberty in constitutional restraints which have possessed the American continent from Hudson Bay to Cape Horn, have crossed the Atlantic again to possess the countries of their origin. England is almost a Republic in everything but name. France, after two failures, has become a permanent member of the family of free states, while in Southern and Oriental seas where the adventurous ships of our fathers, long after the American Constitution was framed, found nothing but barbarism and savagery, the great Australasian commonwealths are rising in splendor and in glory to take, at no distant day, a place perhaps foremost in the family of self-governing nations. There is to-day no monarchy on American soil, unless we except the loose hanging power still retained by her Majesty Queen Victoria over the British possessions on the north.

If there be one thing more than another which is the settled purpose of intelligent and educated men and women who are to be, and ought to be the governing forces in all Christian nations, it is that the relation of man to his Creator shall be a question for the individual soul, and

shall not be used as an instrument by any human power or authority. Our Fathers dreaded the power of the Catholic Church. But I think we are quite apt to forget that the "fury of the Bishops" from which John Milton says they fled, was the fury of Protestant Bishops. Religious intolerance was the error and crime of past ages, universal but with few exceptions, and belonged to all churches alike. The witchcraft delusion prevailed in Protestant England and in Puritan Massachusetts, as well as among the Catholic nations of the continent. It was a Protestant monarch by whose orders the body of Oliver Cromwell was disinterred from its resting-place in Westminster Abbey, and the head—nobler and more august than any in the long line of English sovereigns since the day of Alfred—was exposed to public indignity on Temple Bar. Today Catholic France is as tolerant as Protestant Massachusetts. Catholic Italy has thrown off the temporal power of the Papacy. There has been no nobler tribute in recent years to the memory of the Pilgrim, and to civil and religious freedom than that uttered in Plymouth ten years ago by a Catholic poet. I know of no more eloquent and stirring statement anywhere of a lofty American patriotism than that by Father Conaty, an Irish Catholic priest in my own city of Worcester, when the portrait of our Irish hero, Sergeant Plunkett, was hung on the walls of Mechanics' Hall.

In Massachusetts alone at least 56 per cent of her people are of foreign parentage. Probably 30 per cent of her people are of the Catholic faith. They came here, most of them, driven by an extreme poverty from homes where for centuries they had been the victims of an almost intolerable oppression. They have grave faults, which it is not part of a true friendship or a true respect to attempt to hide or to gloss over. But I hold it one of the most remarkable and one of the most encouraging facts in our history that this great stream which has poured into our State within the memory of living men who are not yet old has changed so little the character of Massachusetts and has had, on the whole, so favorable an influence upon her history and causes so little reasonable apprehension for the future. Massachusetts has educated the foreigner. She is making an American of him. She is surely, and not very slowly, when we consider the great periods that constitute the life of a State, impressing upon him what is best of the Pilgrim and the Puritan quality and the Pilgrim and the Puritan conception of a State. I look with an unquestioning hope

upon the future of Massachusetts. Nothing can stay her in her great career, unless evil and low ambition shall stir up strife where there should be peace, hatred where there should be sympathy, and the conflict of religious sect and creed where there should be nothing but common Christian faith and common Christian love.

There is a story of an Irish traveler who touched his hat to the statue of Jupiter in Rome. He said in explanation that he was afraid the old fellow might come into power again. The old Giants Pope and Pagan had become harmless in their caverns so long ago as the time when Bunyan's Pilgrim passed by on his way to the holy city. They are no more dangerous now. Timorous and Mistrust, Mr. Ready-to-halt and Mr. Feeble-mind may turn pale and their knees may tremble with dread of these ancient spectres. They may hide themselves in caverns of their own to take counsel for mutual protection. They cannot frighten the American people. Still less will the sons of the Pilgrims be disturbed. We do not meet tyranny or bigotry or despotism or priestcraft with weapons like theirs. We have learned other lessons from the Pilgrim Fathers. Leave liberty to encounter despotism. Leave freedom to deal with slavery. Leave tolerance to meet intolerance. Set the eagle to deal with the bat. Let in upon the marsh and upon the swamp the pure air and the fresh breeze. Open the windows into the cold dungeon and dark cellar and let in the sun's light and the sun's warmth.

The Pilgrims were Englishmen. Their children are, in the essentials of national character, Englishmen still. We have a great admixture of other races. But it is an admixture chiefly from those Northern races of which England herself was composed. In spite of past conflicts and present rivalry England is the nation closest to us in affection and sympathy. The English language is ours. English literature is perhaps more familiar to the bulk of our people than to Englishmen themselves. The English Bible is still our standard of speech, our inspiration, our rule of faith and practice. We look to English authority in the administration of our system of law and equity. English aptness for command, habit of success, indomitable courage, unconquerable perseverance have been, are, and are to remain the American quality. The men of other blood who come here acquire and are penetrated with the English, or perhaps without boasting or vanity we may say, the American spirit. The great bulk of our people are of English blood.

But by the spirit, which has its own pedigree, its own ancestry, its own law of descent and of inheritance, we are English even more than by any tie of physical kinship. It is of this pedigree of the spirit, governed by forces of which science has as yet given us no account that we are taking account to-day. It is by virtue of its laws that John Winthrop counts George Washington among his posterity. James Otis transmits his quality to Charles Sumner. Emerson may well be reckoned the spiritual child of Bradford; Channing the spiritual child of John Robinson; and Miles Standish the progenitor of Grant. The great-hearted Hebrew prophet has many a descendant among the great-hearted Puritans. In this genealogy the men of Thermopylæ are no aliens to the men of Bunker Hill. When the boy who went out from a New England dwelling to meet death at Gettysburg or Antietam with no motive but the love of country and the sense of duty, shall meet, where he is gone, the men who fought the livelong day with Wellington or obeyed Nelson's immortal signal, he shall

"Claim kindred there, and have the claim allowed."

What I said just now was written more than ten days ago. Let it stand. Let it stand. It is well that these two great nations should know something of each other that they don't get from their metropolitan press whether in London or in New York. Each of them should know that if it enter into a quarrel with the other it is to be a contest with that people on the face of the earth which is most like to itself. The quarrel will be maintained on both sides until Anglo-Saxon, until English, until American endurance is exhausted. For that reason, if for no other, such a conflict should never begin.

This whole thing is very simple. We cannot permit any weak power on this continent to be despoiled of its territory, or to be crowded out of its rights, by any strong power anywhere. England would not permit us to do that to Belgium or to Denmark. On the other hand, we have no title to interfere with the established boundaries of English territory, whether we like them or do not like them. All between those two limits is subject for discussion and for arbitration; subject for that international arbitration which a delegation of English members of Parliament came to Boston a few years ago to impress upon us, saying that in their desire for its establishment they represented the opinions of a large majority of the English House of Commons.

The settlement of pending differences

upon these principles will be compelled by the business men and the religious sentiment of these two nations, influences always irresistible when they are united and when they are brought to bear upon large matters of national and international import.

But you have not gathered here for philosophical, or political, or historical disquisition. This day is for the expression of filial love. The thoughts which are never strangers to the bosoms of the sons and daughters of the Pilgrims are to be stimulated and intensified under the operation of that mysterious law by which in a large assembly, or when a whole people unite in a common observance, the emotion in each individual heart is increased and multiplied by the emotion of every other. This is a larger Thanksgiving Day. To-day the children of the Pilgrims, wherever on the continent or on the face of the earth they dwell, are thinking of their Fathers. They are thinking of the holy men, of the sweet and comely matrons, of the brave youths and beautiful maidens to whom this coast and these forest glades were familiar in the infancy of Plymouth. Their hearts are full of the lofty tragedy and lofty triumph. We think of the death of Carver, of Dorothy Bradford, of the sweet Rose Standish, as if they had happened in our own households; as if our Mothers had told us the story of some other children who had died under our Father's roof before we could remember. It is as real as if it had happened yesterday. It shall be as real as if it happened yesterday until time shall be no more. What presence looks over the Bay to day more living than the warrior figure of Miles Standish? What household memory is dearer to us than that of John Carver, of whom it has been so well said: "The column of smoke from the volley fired at his grave was his only monument."

There is no tragedy in all fiction, not the death of Hector, not the sorrow of *Cædipus*, not the guilt of *Macbeth*, not the wounded heart of *Lear*, like this true and simple story. The Atlantic between these men and women and their homes in beautiful England; the horrors of the stormy passage, the landing in December, the terrible suffering of the first winter, but six or seven men able to tend the sick or bury the dead, when the spring came seven times as many graves as dwellings, strong men staggering at their work at noonday by reason of fainting for want of food, the challenge of the savage, the howling of the wild beast, and yet there is nothing in it of sorrow, nothing in it except lofty triumph. The Pilgrims had

no regrets. There is no gloom in their annals. The tragedies of history, after all, are its richest blessings and most precious memories. We mourn for those whom the fate of war has bereaved of their kindred, or whose life has been made a burden by the loss of health or limb. Yet would the mother have her son back again at the price of having the brave deed undone? Would the widow clasp her husband's form again, if she could buy him back at the price of striking his name from the list of heroes? Does the crippled and wounded veteran wish he had stayed at home, if in that way he could get back his health or his limb?

Bradford's history is a brave and cheerful story. Think, too, of this story of the founding of a great nation with no fable in it. The Pilgrims were followed by a generation incapable of boasting, and quite otherwise occupied. One hundred and fifty years passed before anybody celebrated anything they had done. There is the loving tribute of friendship. But the praise was for God.

There is surely, as I said in the beginning, no statelier or loftier presence in human history than the Pilgrims of Plymouth. What belongs to a high behavior, to a simple, severe but delicate taste in dress, in architecture, in house-furnishing, in the decoration and adornment of daily life, they discerned with unerring taste. The satire of *Hudibras*, the caricature of *Hogarth*, the scorn of the courtier, the pride of the ruffling gallant, have exhausted themselves to ridicule the figure of the Fathers of New England, and their contemporaries who sat in council with *Cromwell* or marched to victory under his banner. But these scoffers have had their day. The dress of the cavalier has now been remitted to the butler or the footman. The fashionable love-locks ornament the head of the fiddler or the buffoon. But the dress of the Puritan is now the dress of all gentlemen in Europe. The architects of our dwellings are studying the secret of his simple and noble architecture. The serious dignity of demeanor which marked the intercourse of *Bradford* and *Brewster* is a pattern for the imitation of any Ambassador, though he represent seventy million freemen at whatever court, or before whatever Sovereign he may stand. Can you find anywhere a finer type of a noble and accomplished gentleman than *William Bradford*? You may search Europe for his peer. Into what stately eloquence he rises when he speaks of the higher things of the spirit, and the grave concerns of the Commonwealth. What an accomplished

scholar he was. Look at his handwriting, a matter by which you can oftentimes discern the gentleman as you can in the step, or tone of the voice, or carriage of the person, or glance of the eye. When Bradford, and Brewster, and Carver, and Robinson, and Miles Standish, and Richard Warren, and Edward Winslow, and Samuel Fuller were taking counsel together in Leyden, they could have set a pattern of stately dignity to any society on earth. Brewster had a library of two hundred and seventy-five volumes. His principal estate consisted of sixty-four volumes in the learned languages. What noble and lofty and exquisite sentences are found in the writings of Robinson. The passage in one of his letters to the little exiled flock from whom he was separated,—“In a battle it is not looked for but that divers should die,” is in the highest strain of Paul. “God forbid that I should need to exhort you to peace, which is the bond of perfection, and by which all good is tied together, and without which it is scattered. Have peace unto God first, by faith in His promise, good conscience kept in all things, and oft renewed by repentance; and so one with another for His sake who is, though three, one; and for Christ’s sake, who is one, and as you are called by one spirit to one hope.” Is not this the very spirit of John the Beloved Disciple? Is not this the very spirit of Grace, Mercy and Peace? I do not find the battle and the march and the gaudium certaminis anywhere in our Pilgrim. His longing was ever for peace.

Leyden street in Plymouth, with its cluster of seven humble dwellings, witnessed a high behavior to which there could not be found a parallel in any court in Europe. There was no employment so homely or menial that it could debase the simple dignity of these men, a dignity born of daily spiritual communion with heavenly contemplations, of constant meditating on the things which concern eternal life, and the things which concern the foundation of empire. It was like an encampment of a company of crusaders on their journey to the Holy City, where every companion was a prince or a noble. DeRassiere describes the little procession as it marched to worship God on Sunday morning summoned by the beat of the drum. Was there ever a statelier ceremonial at an emperor’s coronation? There can be no better touchstone of the genuineness and sincerity of a lofty religious faith than its creation of a lofty behavior, such as comports with daily meditation and conversation on celestial and eternal interests.

This is the one story to which for us, or for our children, nothing in human annals may be cited for parallel or comparison, save the story of Bethlehem. There is none other told in Heaven or among men like the story of the Pilgrim. Upon this rock is founded our house. Let the rains descend, and the floods come, and the winds blow and beat upon that house, it shall not fall. The saying of our Prophet—our Daniel—is fulfilled. The sons of the Pilgrim have crossed the Mississippi and possess the shores of the Pacific. The tree our Fathers set covered at first a little space by the seaside. It has planted its banyan branches in the ground. It has spread along the lakes. It has girdled the Gulf. It has spanned the Mississippi. It has covered the prairie and the plain. The sweep of its lofty arches rises over the Rocky Mountains, and the Cascades, and the Nevadas. Its hardy growth shelters the frozen region of the far Northwest. Its boughs hang over the Pacific. And in good time—in good time—it will send its roots beneath the waves and receive under its vast canopy the islands of the sea.

“Branching so broad and long, that in the
ground
The bended twigs take root, and daughters
grow

About the mother tree, a pillared shade
High overarched, and echoing walks between.”

Wherever the son of the Pilgrim goes, he will carry with him what the Pilgrim brought from Leyden—the love of liberty, reverence for law, trust in God—a living God—belief in a personal immortality, the voice of conscience in the soul, a heart open to the new truth which ever breaketh from the bosom of the Word. His inherited instinct for the building of States will be as sure as that of the bee for building her cell or the eagle his nest.

The gentle spirit of Bradford, the stern courage of Standish, the lofty faith of Brewster, mellowed and broadened as the centuries come and go, shall be his. It may be that the Power that was with his Fathers will not doom him to the severe discipline and the stern trial that was theirs. We may hope for him the blessings of existence to which Webster summoned him—of “life in pleasant lands, in verdant fields, and under healthful skies. He may hope for the enjoyment of the great inheritance we transmit to him, the blessings of good government and religious liberty, the treasures of science, the delights of learning, the transcendent sweets of domestic life,” shared with kindred and parents and children. But he must enjoy and hold these things as

ready to part with them at the summons of Him who bestowed them. They are never to be bought or to be held at the sacrifice of freedom, of truth, or of duty.

Whatever temptation come to him, let the memory of the men who landed here rise in his soul, to be his shield and safety.

Whenever in coming centuries men govern themselves in freedom, let him still be found foremost, taking the honest and the brave part.

If cowardice dissuade him from the peril and sacrifice, without which nothing can be gained in the great crises of National life, let him answer: I am of the blood of them who crossed the ocean in the *Mayflower* and encountered the wilderness and the savage in the winter of 1620.

If luxury and ease come with their seductive whisper, he will reply: I am descended from the little company of whom more than half died before spring, and of whom none went back to England.

Bigotry and superstition will in vain utter their hoarse and discordant counsel to him who is of God's free people.

Let him never forget his ancestry.

In his halls is hung

Armory of the invincible Knights of old.

In everything he is sprung

Of earth's first blood, hath titles manifold.

If the hearts of other men fail them,

he will still turn for inspiration to the rock where Alden landed, to the walls where Brewster preached, to the hill where Bradford lies buried.

Let this day forevermore be devoted to filial affection. Let it be given to the utterance of children's love. The beautiful shadows of the Pilgrim Father and the Pilgrim Mother hover over us now. In that spiritual presence it cannot be that our hearts shall be cold or that our thoughts should be unworthy of our high lineage. Let every return of the Pilgrim anniversary witness a new consecration of his children to the Pilgrim's cause in the Pilgrim's spirit. If it shall be our fortune to enjoy the blessings of civilization, of order, of refinement, of happy homes, of wealth, of letters, of art, of the transcendent sweets of domestic life, of safety, of good fame, of honor, let us enjoy them, faithful to the God who has given them and to the ancestors whom he vouchsafed to make His instruments to win them. Not unto us; not unto us, but unto Him and to them be the praise. But if we are called on in His Providence to give up all these, let us remember that it is not for these things that human life on this earth is given. Let us still remember the Pilgrim's life, and the Pilgrim's lesson. Above all, Liberty! Above all, Faith! Above all, Duty!

Nov - 1896 -

T H E
CHARGE OF PACKING THE COURT
AGAINST
PRESIDENT GRANT
AND
ATTORNEY GENERAL HOAR
REFUTED.

GEORGE F. HOAR.

THE
CHARGE AGAINST PRESIDENT GRANT

AND

ATTORNEY GENERAL HOAR

OF

PACKING THE SUPREME COURT OF THE UNITED
STATES, TO SECURE THE REVERSAL OF THE
LEGAL TENDER DECISION, BY THE
APPOINTMENT OF JUDGES
BRADLEY AND
STRONG,

REFUTED.

LETTER TO THE BOSTON HERALD.

GEORGE F. HOAR.

WORCESTER, MASS.:
PRESS OF CHARLES HAMILTON,
311 MAIN STREET.

1896.

H

L E T T E R .

To The Boston Herald:

About a fortnight before the election, when on my way to a dinner of the Norfolk Club, I read in a morning paper that Mr. Fairchild, formerly Secretary of the Treasury, had repeated in a speech before the Reform Club the statement, often contradicted, that the Supreme Court of the United States had been packed to reverse the decision in *Hepburn vs. Griswold*, in which the Court held the Legal Tender Act unconstitutional. At the dinner, a few hours later, I criticised this statement as being as vile a slander as ever was uttered upon the stump. A few days later, relying upon the misinformation received from some correspondent, you stated that I owed an apology to Mr. Fairchild. I do not suppose that Mr. Fairchild was aware of the falsehood of the charge that he endorsed. He only made the too common mistake of adopting, without investigation, an error which had become current in regard to a fact in political history. I do not suppose that you meant to misstate the matter, still less to do a wrong to me or to my brother. You probably desired, as is the habit of political newspapers, to stand by a gentleman with whose opinions you are in general accord.

So I have no controversy into which any element of anger should enter, either with you or Secretary Fairchild. On the contrary, I expect that both of you, when you look carefully at the facts, will be glad to acknowledge that you have shared in a prevalent mistake, and will do justice to the memory of my brother.

You certainly need not trouble yourself about an apology to Secretary Fairchild. If this thing were true, I should almost feel like hiding my dishonored and degraded name from the gaze and memory of man. Judge Hoar was Attorney General in the Cabinet of President Grant when these nominations were made. Justices Strong and Bradley were selected by him after the most careful and anxious inquiry and were named by the President upon his recommendation. While President Grant did not, of course, surrender to anybody the prerogatives or duties of his great office, there is no doubt that his confidence in the judgment of Mr. Hoar had a great deal to do with his appointment of these gentlemen, as it had with the selection of the judges of the new Circuit Court, which the influence of Judge Hoar rescued from senatorial patronage, much to the satisfaction of the profession and to the advantage of the public. Judge Hoar to the day of his death regarded the choice of these two judges with special satisfaction as among the most important, fortunate, and honorable public services of his life.

I suppose that there have been persons in public life to whom the selecting judges of a great court, in order that they might decide questions a particular way, might not seem an unpardonable offence. We have had Presidents who came from communities where the judicial office was not held in the very highest esteem, and whose prior life, perhaps, may not have led them to consider the grave danger of tampering with the judiciary. But no such excuse as that can be pleaded in the case of Judge Hoar. He was a Massachusetts lawyer, and for a great part of his mature life a Massachusetts judge. He knew well the character of such a proceeding and would have loathed it from the very inmost depths of

his soul. He denied it afterward when the transaction was recent, and again and again in later years. So if this thing was done, he did it with a full knowledge of the character of what he did, and lied about it afterward. When you say that you make no attack on him, and that General Grant and not he was President and made these appointments, you do not in the least shield his memory. The judgment of history holds Strafford and Laud to a responsibility quite as great as that which belongs to King Charles.

I think that you will agree with me that to vindicate the honor of a Massachusetts statesman, of whom, so far as I am aware, you have always spoken in your paper in terms of the highest respect; that to vindicate the honor of what we Americans are accustomed to consider the greatest and most august tribunal that ever sat in judgment; that to vindicate the honor of President Grant, who, whatever may have been his faults, his countrymen, without distinction of party, now agree to have been a great soldier and a great President, is worth the considerable space which I ask for it in the columns of your paper.

Now, what are the facts? On the 7th day of February, 1870, the Supreme Court of the United States met at 12 o'clock. The Senate met at the same hour. After the disposition of some other business, Chief Justice Chase announced the decision of the Court in *Hepburn vs. Griswold*. The Court held, in substance, that it was not within the constitutional power of Congress to make the United States Treasury notes legal tender for debts, past or future. The Chief Justice in his opinion said, in substance, that this power was not expressly granted to Congress by the Constitution, and was not implied as being necessary to the execution of

other expressly granted powers, including the power to declare and carry on war. The Judge who gave this decision was himself the author of the law which he declared unconstitutional, and had recommended its passage, and had procured the votes of reluctant Senators and Representatives by personal interviews in which he had urged the passage of the measure on the ground that it was impossible to carry on the war without it, and that the Government could neither pay its soldiers nor fulfil its contracts for the supplies and material of war, if it were restricted to gold and silver alone. Among the persons with whom Mr. Secretary Chase had these personal interviews is my late colleague, Mr. Dawes, then a leader in the House of Representatives, and several other living persons whom I might name, as well as a good many who are deceased. I mention this not for the sake of implying any censure upon that great statesman and patriot, Chief Justice Chase, for declaring in his place upon the Bench the law as it then seemed to him, after the exigencies of the war had passed. Indeed, he deserves the greater honor, if, in interpreting the Constitution in his place upon the Bench, he disregarded the consideration that his own reputation might be affected by the charge of inconsistency or by the condemnation which his decision would imply of his own previous conduct. I only mention the fact to show that it was very unlikely that anybody should have expected beforehand that he alone among the leading Republican statesmen of the war period, should have come to such a conclusion.

This decision was announced, as I have stated, on Monday, February 7, 1870. I suppose that opinions were read in other cases, that motions were heard, as was then usual on Monday morning, and that probably

this opinion was not read before two or three o'clock. Indeed, the reading of the Chief Justice's opinion, and those of the minority, must have taken an hour or two. On the same day, February 7, 1870, the nominations of Justices Strong and Bradley were sent to the Senate. The fact that they were sent there was announced in the *Washington Evening Star* of February 7th, and in the Boston and New York evening papers that day. I have now in my hand copies of the nominations which I have obtained from the files of the Senate. They read as follows:

“ *To the Senate of the United States:*

“ I nominate Joseph P. Bradley of New Jersey to be Associate Justice of the Supreme Court of the United States.

“ U. S. GRANT.

“ Executive Mansion, Feb. 7, 1870.”

This is a precise copy of the nomination of the Hon. William Strong, except the name and state. The Senate journal does not show the receipt of any particular nomination until the Senate goes into executive session, which may not be for some days. But the nominations are made public at once, and these were made public all over the country on the afternoon of Feb. 7th. I have also in my hand a copy of what was printed in the *Washington Evening Star* of February 7th. At the head of the first column, first page, under the heading, “Nominations,” is the announcement that the President sent to the Senate that afternoon the nomination of Joseph P. Bradley to be Associate Justice of the Supreme Court of the United States, vice E. R. Hoar, rejected; and William Strong to be Associate Justice of the Supreme Court of the United States, vice Edwin M. Stanton, deceased.

In the *New York Tribune* of Tuesday, February 8th, is the Washington letter of February 7th: "The President sent to the Senate to-day the names of Bradley and Strong." In the *Boston Evening Transcript* of February 7th is the statement: "The President has just nominated to the Senate Judge Strong of Pennsylvania and Joseph P. Bradley of New Jersey as Associate Justices of the Supreme Court." But, more than all, the *Boston Herald* published on the morning of February 8th, has, likewise, an announcement of these nominations made the day before. The evening edition of the *Herald* for February 7th is not in our library. I presume you will find the same thing there, though that is unimportant.

The Senate journal, as I have said, does not show the receipt of any particular Executive nomination until it is opened and laid before the body in Executive session, which may not take place for days or weeks, although ordinarily there is one every few days. But the *Congressional Globe* of that morning shows that the Senate merely transacted its routine morning business, and then took up resolutions in honor of a deceased member, and adjourned. It further shows that during the routine morning business, and before the introduction of bills and resolutions, the President's secretary came in with sundry legislative messages. It is the only time he came in that day. So, undoubtedly, the Executive messages nominating the judges were delivered at the same time with the legislative messages, and were upon the table of the Senate a few minutes after 12 o'clock.

I have dwelt upon these details to show the absolute accuracy of my statement and that of my brother, which I shall quote hereafter, that these nominations were made before the decision. But the question whether the Chief Justice announced his opinion or the nomina-

tions got to the Senate first by a few minutes is of the most trifling character, because the President's signature to the nominations must have been made before the session of the Senate that morning, and the Cabinet meeting at which they were discussed was held Tuesday of the previous week, and, as will appear very soon, the nomination of Judge Strong, at least, had been discussed and agreed upon long before.

The decision of the Supreme Court in *Hepburn vs. Griswold* was made and entered when the judges had finished reading their opinions on Monday, Feb. 7, 1870, after the nominations of Justices Strong and Bradley had been laid upon the table of the Senate. It was some hours after they had been signed by the President. It was some days after they had been agreed on in Cabinet meeting. It was weeks after the probable appointment of Judge Strong, as I shall show presently, had been announced in the newspapers. That was the first and only decision of the Supreme Court in *Hepburn vs. Griswold*. I shall speak presently of what took place November 27th, 1869. What I am speaking of now is the decision of the Supreme Court.

The practice of the Supreme Court of the United States is, I suppose, well understood in Massachusetts. It has lately been described by Mr. Justice Harlan in a public address in Cincinnati. I have taken pains also to get from a very high authority indeed a statement to the same effect. The course is precisely the same as that pursued by the Supreme Court of Massachusetts, except that while the decisions of the Supreme Court of the United States are announced, according to the old practice, orally from the bench, the decisions of our Court are now made by a rescript filed in the clerk's office, and accompanied by a brief written statement of the

Court's reasons. The course of proceeding in the Supreme Court of the United States is this: After the hearing of arguments the Judges meet in consultation. Each of the Judges states his opinion as fully as he may desire. After every Judge has been heard, and the matter has been discussed as far as any member of the Court thinks fit, the Judges vote upon the case. The Chief Justice then directs what Judge shall deliver the opinion of the Court. If any Judge dissent, he is at liberty to prepare a minority opinion giving his reasons and the reasons of the other Judges who may agree with him. No record is made of this proceeding, and it is kept absolutely secret within the breasts of the judges until the public announcement of the opinion in the way I have stated. At some future meeting of the Judges, when the opinion of the Court has been prepared, it is read over to the Judges. It is discussed, changed or modified in consequence of any suggestion that may be made. In very recent years it has been the custom of the Judge preparing the opinion to send copies to his brethren. It sometimes happens that an investigation by the Judge who has the responsibility of preparing the opinion changes his mind and suggests to him some new point of view, which he reports to his fellows, and which changes their minds also. I have had this happen twice in my own practice in Massachusetts. One case was *Taft vs. Uxbridge*, where the Court first came to a conclusion in my favor, which was afterward reversed; and one was the case of *Wolcott vs. Winchester*, where the Court first came to a conclusion against me, but afterward decided in my favor. But no record whatever is made of anything except the mere memoranda of the Judges to aid their own memory until the public announcement. Now to call this proceeding a decision

of the Court is, in my opinion, a misuse of language. It is in the highest degree secret and confidential. Any Judge who should betray the confidence of the Court in this matter would be absolutely disgraced, would forfeit the respect of his fellows; and when we consider the effect upon properties and business affairs of many of these decisions of the Supreme Court of the United States, I suppose it is not too much to say that he would deserve impeachment. I inquired of two Justices of the Supreme Court of Massachusetts, both of whom had been reporters, whether they had ever known of this secret getting out from the Supreme Court of Massachusetts since the beginning of the government; and they both replied that they had never known or heard of such a case. In the case of the Supreme Court of the United States I have never known or heard of such a case, with one or two exceptions, although I have been tolerably familiar with that Court and pretty intimately acquainted with every member of it for nearly twenty-eight years. There was a case some time ago where a decision which considerably affected the price of stocks in some way leaked out. Whether it came from some imprudent remark of one of the Judges, or from some page or attendant about the Court room who came across some paper which had been carelessly left exposed, nobody knows. But it excited great feeling on the part of the members of the Bench. Before the Dred Scott decision President Buchanan expressed in his message the hope that the question of the power of Congress over slavery might be removed from political discussion by the determination of the Supreme Court. It was conjectured, but never proved, and I think never believed by the large majority of the profession or the country, that he might have had some understanding in

the matter with Chief Justice Taney. I do not believe it myself. The knowledge that the question was before the Court and the general opinions upon public questions of its members were quite sufficient for President Buchanan's hope, without attributing anything wrong to any member of the Bench.

I ought frankly to concede that to this ascertainment in conference of the opinions of the members of the Court, the term "decision" is not infrequently applied, although there is nothing final in its character. But the word to be used is of no consequence if only the substance of the transaction be clearly understood. There is no finality about it. It is merely what the judges call a "semble." The Judges hold their minds open to reconsider, modify, or reverse their opinions if new light be shed upon the case by the researches of the Judge who prepares the opinion, or by further reflection or further discussion when the opinion is read in full. And they keep these opinions an absolute secret.

A second meeting of the judges was held in regard to *Hepburn vs. Griswold* on the 29th day of January, 1870. The opinion in that case was not read and agreed to in conference until that day. (See the opinion of Chief Justice Chase in *The Legal Tender Cases*, 12 Wallace, 572.)

The dates with which we have to deal are these:

The opinion of the judges ascertained in conference 27th November, 1869.

The opinion read and agreed to in conference January 29, 1870.

The opinion of the Court announced, and the decision entered upon the docket, February 7, 1870.

The statute increasing the number of judges passed April, 1869, to take effect December, 1869.

The nominations of Judges Strong and Bradley, sent to the Senate February 7, 1870.

Stanton nominated, December 20, 1869.

Stanton died December 24, 1869.

Judge Grier's resignation to take effect February 1, 1870.

Judge Hoar nominated December 15, 1869.

Judge Hoar rejected February 3, 1870.

It appears from the above statement that when the decision was entered and the opinion was publicly announced, there were but four judges upon the Bench who agreed to that decision, out of a Court which when full consisted of nine. This consideration has not the slightest effect upon the validity of the decision. Whether it should have any weight as to the propriety of a rehearing is a fair question.

I have no doubt the Court discussed, in consultation, the case of *Hepburn vs. Griswold*, November 27, 1869, and the opinion of a majority was then ascertained. We will consider presently the question whether that opinion leaked out. But first let us take the history of these appointments. When President Johnson came into power, the Supreme Court consisted of ten members. By the statute of July 23, 1866, it was enacted that there should be no new appointments until by death or resignations the Court should be reduced to seven members, and seven thereafter should be the number of Justices. This statute has been generally supposed to have been passed to take from President Johnson the power of appointing any new Judges in place of some of the members of the Court who were growing old, and whose places, in the course of nature, would shortly be vacant. When President Grant came in, the number of the Court had become reduced to eight members. The

docket had become crowded with business, and suitors had to wait years for a hearing. Accordingly, at the short spring session in 1869, an act was passed increasing the number of justices to nine, and authorizing the President to nominate an additional judge to the session of the Senate, which would take place the following December. The President nominated to that vacancy Mr. Hoar, then Attorney General. This nomination was made December 14, 1869. I have never heard that anybody supposed or intimated that that nomination was made for the purpose of packing the Court, although as you will observe, it was made three weeks after the first conference of the Supreme Court in regard to *Hepburn vs. Griswold*, and the conclusion then arrived at, by whatever name you choose to call it. There were two members of the Cabinet from Massachusetts. There was none from the great State of Pennsylvania, and there was none from the South. I suppose I should not have to go beyond the columns of the *Boston Herald*, or beyond the abundant testimonials of eminent lawyers to support the statement that Judge Hoar's character and legal ability were such as to render no other explanation of his selection necessary.

President Grant had determined upon this appointment months before. September 23, 1869, the President called upon Judge Hoar at his room, stayed two hours, and informed him that there was no lawyer from the Southern States he felt willing to appoint to the Court, and asked him to accept the office. I have now before me my brother's letter to me of that date, in which he states these facts, and asks my advice as to his acceptance.

Mr. Justice Grier, early in December, 1869, sent in his resignation to take effect on the 1st of the following

February. I have not the date when Judge Grier sent in his resignation. But the nomination of Mr. Stanton, his successor, of which I have the record with me, was made by the President Dec. 20, 1869. I have never heard that anybody ever dreamed that the selection of Stanton was made for the purpose of packing the Court. A petition asking his appointment had been sent to the President, signed, if I am not mistaken, by every Republican member of the Senate. He had been a great lawyer. He had been Attorney General of the United States. He was the great War Secretary. With the exceptions of Grant and Seward and Sumner and Chase, he was undoubtedly the most conspicuous figure in American public life. He was a Pennsylvanian, and belonged to the Circuit to which the President would naturally look for a successor to Mr. Justice Grier. Stanton died after accepting the office and before taking his seat, on the 24th day of December, 1869. Mr. Hoar was rejected by the Senate on the third day of February, 1870, four days before the decision of *Hepburn vs. Griswold*.

When Judge Hoar was nominated, it became necessary for the President to look out for another Attorney General. William Strong of Pennsylvania was offered the place. He came to Washington to see about it. I myself saw him there and was introduced to him. I knew at the time that it was expected that he would be my brother's successor, although I cannot say from memory that I heard him say that he expected to take the place. So when Stanton died, and Judge Hoar was rejected and remained in the old office, it seemed almost inevitable that Judge Strong, if he were fit for the place, should be offered one of the vacant Judgeships. He was from Grier's circuit, and from Pennsylvania,

the State in that circuit to whose able Bar the President had looked for an Attorney General. He was admirably qualified for the place. He had been a great judge in his own State. He was not only the head of the Bar in that circuit, certainly the leading Republican lawyer, and he held a place in the reverence and affection of the people who knew him as a man of singular purity and integrity, which I had almost said was equalled by that of John Jay alone. I think I am not over bold when I affirm that the bitterest partisan in this country, of whatever political opinion or from whatever part of the country he may come, will not question in the light of his long service upon the Bench, that the nomination of William Strong needs no explanation other than the statement of the conspicuous merit and quality of the man. This nomination would have been practically inevitable, if the legal tender decision, or the legal tender law, had never been heard of.

Stanton died December 24, 1869. But it was quite natural that the President should not nominate his successor until the question of Judge Hoar's confirmation or rejection was settled. If Judge Hoar had been confirmed, the original plan of having Mr. Strong Attorney General might have been carried out, although he would probably have been appointed to Judge Grier's place. I have no special means of forming an opinion on that question. But the President awaited the final action of the Senate; which undoubtedly had been expected for some time before the final vote, and then sent in the two names together.

I do not think it necessary to vindicate the selection of Mr. Justice Bradley any more than that of Judge Strong. I have heard eminent lawyers compare him

with Chief Justice Marshall, in the vigor and grasp of his intellect, and attribute to him a variety of accomplishment which would not be attributed to Marshall. But such utterances, when we experience a great public loss like that of Judge Bradley, are apt to be extravagant. It is only necessary to say what I am sure every living lawyer who is interested in such things will agree to, that there is no greater or purer judicial fame than that of Judge Bradley among the Judges who were upon the Court when he took his place upon it, or who have been upon the Court from that day to this.

Two things ought, however, to be said: It was by Judge Bradley's advice that the great railroad, for which he was counsel, determined, when the legal tender laws were in force, that honor and duty required them to pay their debts in gold. ✓

It is also true that it is due to Mr. Justice Bradley that the decision of the most important constitutional question since the war, a decision far more important, in my judgment, than that of the legal tender question, was made adversely to the contention of the Republican party and to the general opinion of the people of the North. He gave the opinion of the majority when the Court held that according to the true construction of the fifteenth amendment of the Constitution of the United States, Congress can not interfere when the right of citizens to vote is denied or abridged on account of race, color or previous condition of servitude, unless that denial be by the authority of the State itself, and that the failure of any State to protect such rights, or the banding together of private men, though they may be a majority of the people of the State, to deprive negroes of their rights, does not warrant the interposition of Congress. The result is that the whole

reconstruction policy of the Republican party, so far as it depended on the exercise of national authority to protect colored citizens in the rights of suffrage, has been overthrown. I did not myself think, and do not now think, that Mr. Justice Bradley was right. But he is the last person to whom Democratic speakers or Democratic newspapers should impute partisanship in his great office.

Now having stated the facts, let us come directly to this foul charge. It can only be sustained by proving three things:

(1.) That the confidence of the Court had been betrayed, and the views of the Judges upon the constitutionality of the legal tender law which they had expressed to each other in their conference, November 27th, had leaked out;

(2.) That these views had become known to President Grant and to the Attorney General or the Cabinet;

(3.) That in consequence of such knowledge they had done something they would not have done but for that.

Now I affirm, first, that there is not one particle of proof, nothing upon which a Judge would let a case go to a jury, nothing upon which any man would act in the smallest transaction of life, in favor of either of these propositions, all three of which must be established to make out the case.

And, second, that all three of them are refuted and overthrown, and that the contrary of each is established by most ample and abundant evidence.

FIRST. Did what took place in the confidence of the Court, November 27, 1869, leak out?

You will agree with me that that would have been a gross breach of confidence on the part of one of the

Judges, which makes it highly improbable, and would require the amplest evidence to sustain it.

A careful examination of the newspapers of the time shows that no such information had reached any of the intelligent newspaper correspondents, or the managers of the press of the country.

You say that your correspondent got some information from the records of the Court. . But there was nothing on the records of the Court about the matter until February 7, 1870, when the decision was entered. So you confess that your first knowledge of the matter, aided by your always intelligent correspondent, did not come until the 7th of February. But I have had the files of the principal newspapers carefully examined. You will remember that this was a great question and likely to be of absorbing interest to everybody. Gold was at that time selling at 125. If the decision in *Hepburn vs. Griswold* had stood it would have added 25 per cent. to the weight of every public and private debt in this country, except such public or private debts as were to be paid in gold, whatever had been the decision of the Court. So you may well imagine that newspaper correspondents and business agencies were on the alert about that time. When the decision was actually announced, although I think under the circumstances, which I shall speak of presently, it was not expected to stand, it caused a flurry in securities which were shortly to become due. The following was in the financial article of the *Boston Evening Transcript*, dated, New York, February 8, 1870:

“The decision of the Supreme Court, yesterday, has occasioned considerable discussion on Wall Street. It had some effect on railway mortgages. The Chicago

and Rock Island First Mortgage Bonds, due in a short time, rose to 106 bid, against 100 yesterday."

The Boston papers of the time take no notice of the meeting of the Judges held November 27. There are wild speculations, all erroneous, as to the latter action of the Court before February 7th, when the decision was announced. There is nothing about it in the *Advertiser* or the *Transcript*, if my friend has made the search complete. The *Boston Traveler* has a special dispatch January 31st:

"A rumor was very current about the Capitol this afternoon and created a good deal of excitement that the Supreme Court had rendered a decision against the constitutionality of the legal tender act; but there was no foundation whatever for the story."

This, you observe, was on Monday, the week before the decision was rendered, and was on the day when the Court enters decisions, and refers to a rumor as to the decision rendered by the Court that day, and not to any private conclusion.

There is no mention or speculation in the *Boston Herald* about the decision of the Court until February 8th. On that day is this article in the *Herald*:

"The *Express*' latest financial says, the Supreme Court decision on the legal tender question was the great subject of discussion in financial circles, this afternoon. The decision as understood in Wall Street is that the Legal Tender Act was justified by the war and that Congress has no power to issue any more legal tender notes, and that all contracts made before 1862 are to be paid in coin. In this shape, the decision is certainly a very important one, but its influence on value was remarkably slight. The price of gold advanced in

the morning on private telegrams from Washington to the effect that the decision would be in favor of all contracts made before 1862 being payable in coin, but when the other part of the decision was known this afternoon, the price of gold declined, from the fact that Congress, under the decision, cannot issue any more legal tenders."

Now on the 10th day of February, three days after, is the following editorial in the *Boston Herald*:

"The decision of the Supreme Court of the United States on the Legal Tender Act reads like a warning to all men within the reign of depreciated paper money to prepare for the day of wrath. This decision avoids the question of the constitutionality of the act, as it hinges upon the point that it could not be made retroactive, to affect the value of contracts before it was passed; but it discusses the constitutional power of Congress in the premises in a spirit which indicates that the decision of the main question is only held back to enable the business interests of the country to be adjusted on a solid basis. But the people need not be alarmed. Greenbacks will be taken as money for some time yet, until we can afford to get along without them, or they will have appreciated to the gold standard."

In the *Boston Post*, February 7, 1870, is the following:

"Letter of February 6th. Rumor has it to-night that Hon. J. F. Wilson of Iowa, late Member of Congress, will receive the nomination for the Supreme Court; but, although General Grant places a high estimate upon Mr. Wilson, he will not probably select him for the position, because Mr. Wilson does not reside in the southern nor the third or Pennsylvania circuit, where the vacancies exist, and it is conceded that the new Judges must come from those circuits. There does not appear

to be any doubt that Judge Strong will be nominated for the vacancy made by Judge Grier's resignation, and the belief is general that Mr. Durant of Louisiana will be nominated for the vacancy occasioned by the death of Justice Stanton."

The following also appears in the *Boston Post*:

"February 1. Special dispatch of January 31, 1870. It is understood that the President will send to the Senate to-morrow the nomination of a successor to Justice Grier. All agree that Judge Strong of Pennsylvania will receive the nomination."

"February 7, 1870. Letter of February 5th. (Associated Press.) The President will as soon as he shall receive official notice of the rejection of Judge Hoar, nominate to the Senate two gentlemen to supply the vacancies on the Supreme Court Bench, one of whom is Judge Strong of Pennsylvania. The President has not fully determined upon the other. The President informed a friend yesterday that Judge Hoar would remain in the Cabinet."

In the *Boston Journal* there is a letter January 31, 1870, which is as follows:

"It is understood that the President will to-morrow appoint Judge Strong as the successor of Judge Grier. The retiring Judge endeavored, it is said, to have the Court agree to a decision which he had drafted, that all contracts and agreements made prior to the passage of the Legal Tender Act were payable in gold, but some of the Judges were doubtful."

There is a dispatch to the *Boston Journal*, February 2d, as follows:

“The forthcoming decision of the Supreme Court on the cases in which gold was claimed instead of greenbacks on contracts made before the passage of the Legal Tender Act of 1862, but not settled until afterwards, will carefully avoid the question of the constitutionality of the act itself. The decision will simply be that all contracts made previous to the passage of the act, no matter when they were payable, call for payment in gold.”

I think you will agree with me that no rumor of any conclusion of the Court made November 27th had reached Boston, or any correspondent of the *Boston Herald*.

My friend who made the search for me finds nothing in the leading New York papers of the time except this letter in the *New York Tribune*, February 1st:

“From information which seems unquestionable it is learned that on Saturday a consultation was held by all the members of the Supreme Court, including Justice Grier, etc., etc. A decision of the Court was expected to-day, was not delivered. There is ground for believing that the decision will not go into the question of the constitutionality of the law, but will decide that all contracts made previous to the passage of the act contemplated payment in gold, and the Court will so decide. It is believed the opinion will be delivered next Monday.”

It is a curious fact that gold steadily declined from the 27th of November, 1869, when it sold at 125½, highest, and 123½, lowest, down to February 8, 1870, when it sold at 121, highest, and 120¼, lowest. The *Tribune* of February 9th has this statement:

“The Supreme Court seems to have put the bulls in possession of the market, as almost everything in the shape of bonds and stock has an upward tendency. The bears appear to be the strongest in the gold room, as that is heavy.”

Two inferences seem plain from this narrative:

(1.) That nobody connected with the press or with financial matters knew anything about the secrets of the Supreme Court, and that the few statements about the matter in the press between November 27th and February 7th were the wildest conjectures. The only conjectures that appear are that the Court had not dealt with the question of the constitutionality of the act, and that the only thing they did was to hold contracts dated before 1862 payable in gold; and

(2.) That there was a strong expectation that the decision would not stand. Although gold was selling at 120 in greenbacks, the price of gold did not rise any farther, and the only effect on the market was to make a large increase in the values of securities which were payable within a short time.

SECOND. Did any knowledge of the conclusion of the Court, November 27th, reach President Grant or the Attorney General, or the Cabinet? Now you will observe that there is not the slightest affirmative evidence that any of them had any such knowledge whatever, and without such knowledge the whole charge breaks down. But we are not left in this matter to the absence of evidence. We have the absolute denial of the gentlemen concerned. I have seen a letter of Mr. Fish, which I have not been able to find, but which is in existence somewhere, in which, if I can trust my recollection, he denies for himself, and on the authority of President

Grant, for him, any such knowledge and any such purpose in these appointments. But Mr. Fish's son and son-in-law have both been out of the country, and his papers locked up in a vault, so I could not have a search made among them. But I have in my hand a letter from Mr. Fish to Judge Hoar, containing a message from President Grant to the effect that he made the nominations before the decision was announced, and that the records at the Executive Mansion show it. This fact is stated by President Grant to Judge Hoar to be used in his reply to Butler. Of course, if he had known the Court's opinion when he made the nomination, such a statement would have been a wretched subterfuge.

I have received this letter from Governor Cox. He was then Secretary of the Interior in Grant's Cabinet. He dwelt in the same house with Attorney General Hoar during the summer until the meeting of Congress on the first of December, 1869, and was the Judge's intimate personal friend. He would certainly have known of this matter, if it had been known, both as a member of the Cabinet and from his familiarity with Judge Hoar. This is the letter:

“CINCINNATI, 6 November, 1896.

“*My Dear Senator Hoar:* In reply to yours of 3d inst., I would say that I have always regarded the charge that the Supreme Court was ‘packed’ to reverse the *Legal Tender Decision* in *Hepburn vs. Griswold*, as one of the most curious instances of drawing an unwarranted conclusion from a mere coincidence. When I originally heard the assertions made, I carefully reflected, to see whether I could recall any fact which sustained it. I could not. Every incident pertaining to the appointment of Judges to fill the vacancies was, so far as my recollection could reach, exactly what high-minded men would wish—exactly what all who knew Judge Hoar would expect from an Attorney General having his high ideals of public duty.

“I can recall some discussion of the character and qualities of Judges Strong and Bradley among members of the Cabinet, but not a single word of reference to their opinions on the Legal Tender question, or to any case pending, or likely to be pending, in the Supreme Court. Nothing could be plainer than that the Attorney General was earnestly determined to recommend only such men as combined the qualities of able lawyers with those of perfectly pure, single-minded and upright citizens. When the nominations were made we felt that just such men had been selected.

“I am the more sure that I should have been quick to notice anything inconsistent with the good purpose I have described, because, as a matter of fact, my personal convictions then were, and still are, that the opinion of Chief Justice Chase in *Hepburn vs. Griswold*, as well as in the subsequent Legal Tender Cases, so called, was the better one in law, and a sounder one in statesmanship, as well as the solid barrier against all forms of fictitious or ‘flat’ money.

“One of your brother’s strongest claims to public reverence as a departed worthy, in my judgment, is the unflinching adherence to the highest possible rule of action in sifting and selecting judicial nominations as Attorney General, and this was most noticeable, as it should be, when the positions to be filled were the highest.

“Faithfully yours,

“J. D. Cox.”

Governor Cox resigned his place in the Cabinet not long after this transaction, stating in a public letter his reasons for resigning, that he had not been duly supported by the President in his attempts to protect the rights of the United States against fraud. It is absolutely incredible, and I do not believe any man in the country will suggest that Governor Cox would have forgotten such a transaction, or that he would have screened it from public condemnation.

I also have a letter from Governor Boutwell, formerly Secretary of the Treasury.

GOVERNOR BOUTWELL’S LETTER.

“GROTON, November 5, 1896.

“*My Dear Sir:* My answer to your letter of the third of this month must be by negative statements rather than by affirmative

assertions. The charge to which you call my attention is this: That, in the year 1870, the Supreme Court was packed by President Grant for the purpose of reversing the Legal Tender Decision in the case of *Hepburn vs. Griswold*; and that when the names of Messrs. Strong and Bradley were sent to the Senate, February 7, 1870, the nature of the decision in the above named case, although it had not been announced from the Bench, was known to the President and Cabinet.

“I was a member of General Grant’s Cabinet at the time mentioned, and I was present at one or more Cabinet meetings when the subject was considered, and when opinions were expressed as to the fitness of Messrs. Strong and Bradley for the vacant places upon the Bench of the Supreme Court. The Legal Tender Controversy was not spoken of, nor in any manner referred to by the President or by any member of the Cabinet. Indeed, the conversation was limited. Strong and Bradley were then, without controversy, at the head of the profession in the States of Pennsylvania, New Jersey, Maryland, and Delaware. At that time there was a Justice on the Bench from New England, one from New York, and one from the Pacific coast, and four from the central States of the West. At that time the South was not considered.

“Since the controversy was opened the statement has been made that Judge Strong had recognized the constitutionality of the Legal Tender Law in his place as Judge of the Supreme Court of Pennsylvania. I cannot say whether that fact was known to the President, or to any member of the Cabinet, but there was no reference to the opinion of either Strong or Bradley.

“Very truly,

“GEORGE S. BOUTWELL.

“To the Hon. George F. Hoar, Worcester, Mass.”

But the denial with which I am most specially concerned just now is that of the Attorney General himself. This charge is almost the only one ever made against him, in a public life full of earnest conflicts, which he ever cared much to refute. When he was a candidate for Congress against General Butler, in 1876, he was attacked vigorously by Butler and Wendell Phillips, the most accomplished and unscrupulous

masters of invective who ever lived on this continent. He treated all their charges with great unconcern. He declared in a public meeting that he should not trouble himself to answer any other charge of Butler's, except this one of packing the Supreme Court, which concerned the honor of President Grant as well as his own. I quote his exact language from the *Boston Herald* of Thursday, November 2, 1876:

HOAR'S ANSWER.

BUTLER'S CHARGE THAT HE PACKED THE SUPREME COURT REFUTED.

“There is one thing in his (General Butler's) letter, however, being upon a public matter, an assault upon the Republican administration, upon the President of the United States much more than upon myself, which I think it proper for me to answer as a matter of public discussion.

“I am sorry to be obliged to say, in connection with it, that when I state what it is and what the facts are, and tell you on what evidence they rest, I must ask you to consider whether you believe that General Butler could not have known the facts. What account he would give, or explanation, I can't say. I will state to you the accusation which he says is the worst and gravest he has to make. It is that I advised the President to pack the Supreme Court of the United States with two additional Judges in order to secure the reversal of the first decision on the Legal Tender Act, which held that that act was unconstitutional. Well, now, the simple answer to that is that the nominations of these two Judges, Judge Strong and Judge Bradley, were sent

by the President to the Senate before that Legal decision was announced, when neither the President nor myself knew what it was going to be. The Judges of the Supreme Court kept their own opinions, and, until they were read, nobody knew what they were. Well, now, as to the fact that these new Judges were in favor of the constitutionality of that Legal Tender Act. About every State Court that had passed upon it—the Supreme Court of Massachusetts, of New York, and so you may go through the States—or a large number had sustained its constitutionality. The only State Supreme Court that had decided the other way was the Supreme Court of the half rebel State of Kentucky. The Chancellor of that Court, the ablest judge upon it, gave a dissenting opinion from his associates, and agreed with the rest of the country. Now how could President Grant have appointed a judge to that Court who was not a believer in the Legal Tender Act? He would have had to rake over the country with a fine tooth comb to find a man who was not in favor of it. But to say that the appointment was made, and that I advised it in order to reverse that decision, is to say what the data show conclusively to be

UTTERLY UNTRUE.

“General Butler says in his letter to me that ‘On Monday, the 7th of February, 1870, the Judges read their opinions and rendered their judgment on the Legal Tender Act. On Tuesday, the 8th, being Cabinet Day, you advised the President to make nominations of two judges to reverse that decision.’ On Monday, the 7th day of February, 1870, when the Senate met, these nominations were sent in. In the *Washington Chronicle* and *Washington Republican* of Tuesday morning, in

an account of the business transacted in the Senate the day before, mention was made of these nominations, accompanied by editorial comments and biographical sketches of the gentlemen nominated. General Butler says it appears by the record of the Senate that on Tuesday I advised the President to do this. Well, of course, that literally is obviously untrue, for the record of the Senate does not show anything about anybody's advice. But what he means to say is that it appears by the record of the Senate that these nominations were sent in on Tuesday. Now, the Senate has two sessions, an executive session in which nominations are considered, and a legislative session. The business is not entered on the Executive Journal till the Senate goes into executive session, and these nominations, which had been sent to the Senate on Monday, were not entered on the Executive Journal till Tuesday. But I have other proof. I hold in my hand a letter which I have, this morning, received in which the President of the United States, General Grant, authorizes the statement which I will read:

“The records of the Executive Office show the date of the President's messages nominating Judges Strong and Bradley to have been February 7, 1870.’ This same charge against President Grant was made in the campaign of 1872. Some newspaper started it on that side. I happened to see it in the *New York Nation*, copied, and I sent a letter to the *Nation* at that time, exposing the slander and showing that the nominations were made before the decision was rendered, and the editor of the paper withdrew it and said it was a complete answer.

“Again, in the last Congress of which General Butler and myself were members, a Democratic member from

Wisconsin, Mr. Eldridge, while making a speech attacking the administration, alluded to the charge, and I replied to it, and stated that the nominations were made before the charges were brought, and he subsided.”

You will observe that this story has grown since General Butler’s time. His charge, which you will find set forth in his letter, published in the *Herald* at the time, was that on the next cabinet meeting day after the decision was reached on the 7th of February, President Grant was advised to pack the Court. That form of calumny has been dropped. It broke down before the recorded facts. It is only later that the suggestion is made that the confidential conference of November 27th may have been betrayed by one of the Judges.

Now the *Herald* was an earnest supporter of Judge Hoar in that campaign. You say of him, among other things, in your editorial, October 12, 1876 :

“ We have always been free to criticise Judge Hoar, but we have never had occasion to question his thorough integrity or to doubt the sincerity of his contempt for the arts by which political quacks like Butler succeed. * * * We were told in Washington two or three years ago, when Judge Hoar was there, that no other man in the House commanded so much respect as he on any question of fact, and his reputation is an accurate picture of his character. * * * He has made a record in the service of his country, on which he can afford to rest his case. He has always been sound, clean, and above all suspicion. * * * He has great ability, but his strongest point is a character that commands the respect of all men who know him. There is an absolute certainty that he will be true to his convictions, that he will make no concessions to what he believes to be wrong to get

office or public favor, and that he will do all that one man can do to raise our politics to a higher plane of integrity and purity.”

Now it is the man of whom you said this whose reputation is in question. It is for defending him that you ask me to apologize to Mr. Fairchild, when less than two years after his death I deny with some indignation that he committed an act of infamy and sought to cover it by a lie.

But Judge Hoar did not wait for six years after the transaction before he made this denial.

In April, 1872, the *New York Nation* made the charge not in a statement, but put it in the form of a question to *Harper's Weekly*, then, I believe, edited by Mr. Curtis:

“Why,” asks the *Nation*, March 7, 1872, “did he (Grant) select new judges for the Supreme Court with special reference to their opinion on a question already *sub judice*, or in other words, pack the Court to procure a judgment on a question of property favorable to his own views of political expediency?”

The *Nation*, April 11, frankly and honorably answers its own question, saying:

“We shall ourselves make a contribution to his defence.” The *Nation* then quotes Judge Hoar's answer, and says:

“We consider this a good and sufficient answer to one of our questions, though it does not change our opinion on the propriety or expediency of bringing up the Legal Tender cases for a fresh decision.”

Of that I will say something before I get through.

Judge Hoar then addressed a letter to the *Nation* which will be found in its issue of April 15, 1872, in which he says:

“Mr. Stanton was selected and confirmed to fill this vacancy, but he died on the 24th of December, 1869. Judge Strong, a man of the highest professional and personal character, who had recently left the Supreme Court of Pennsylvania, with a brilliant judicial reputation, was soon selected in Mr. Stanton’s place, and his nomination was only withheld because the Senate had not acted upon the other nomination before them. Judge Strong had, it is true, given an able opinion sustaining the constitutionality of the Legal Tender Act; but the constitutionality of that Act had been upheld by the highest Court of every State in the Union which had passed upon it, except Kentucky; and it would hardly be expected that the President’s range of choice should be excluded from the highest Courts of all the loyal States.

“The Senate disposed of the nomination previously before them on the 3d of February, 1870, which was Thursday. On Monday, February 10th (this is a misprint in the *Nation* for February 7th), the nominations of Judge Strong and Mr. Bradley were sent in. They had been determined on the preceding week, and actually prepared for transmission either on Saturday or early on Monday morning. The decision of the Supreme Court on the Legal Tender Act in *Hepburn vs. Griswold* was announced on the same day. I do not believe that the President had any knowledge of what the decision was to be. Some of the newspaper correspondents were asserting in the press up to that very morning that it was to be a decision the other way. I do know, however, that Mr. Bradley was selected on the ground of professional fitness for the position, as an eminent, sound and able lawyer. I knew he was a Republican, and supposed, though I did not know, that he thought the

weeks before. That of Mr. Justice Bradley was recommended, as I understand, by the whole Bench and Bar of New Jersey without distinction of party. * * * That Mr. Justice Strong, whose nomination had been for some weeks talked of, and understood to be agreed on, was of the opinion that the Legal Tender Act was constitutional, is undoubtedly true. He had, as Judge of the Supreme Court of Pennsylvania, given an opinion—one of the ablest, if not the ablest, delivered by any State Judge—in favor of the Constitutionality of that Act. But was that a reason why he should have been excluded from the nomination, or why it could be said that he was picked out for a particular purpose and not on account of his eminent professional record, the purity of his character, and his marked fitness for the office which he now adorns? If such a rule had been adopted I can only say that the Judges of every State Court in the Union that had passed on the question, with the exception of the State of Kentucky (and in that State the Chancellor, the ablest of the highest Judges there, gave a dissenting opinion), would all have been excluded, because every State Court before which the question had arisen (with the single exception I have indicated), had sustained the constitutionality of the Legal Tender Act. If such a rule had been followed the President must have gone around groping to find somebody adverse to the general sentiment of his party and the general sentiment of his country to take a position on the Supreme Bench.

“I say to this House and to the country that the selection of those two gentlemen was made on character, on professional eminence, on fitness for the office; and, whether the slander was originated by one man or another, it is a slander upon them to attribute their

appointments to their subserviency upon a particular question or for a particular interest. Their appointment was sent to the Senate before the decision on the Legal Tender Act was announced."

Now I ask you again whether you think Judge Hoar lied about this matter. I have just quoted one or two of the tributes which were paid to him after his death. I wish to quote two or three more. Let no person suspect me of the folly of thinking that it is necessary to furnish certificates of my brother's character to the people or the generation that knew him. I trust I have better sense and better taste. But this calumny will thrust up its dirty head fifty or one hundred years hence if there are men to be found then as there are now to rake up and write the discarded slanders of past generations and call it history. I wish to collect and preserve in this letter the material for its complete refutation whenever it may reappear. I wish to quote two or three tributes to his character which came from his political opponents, and from lawyers who would be pretty likely to have known the truth of this matter.

Do you think of any other occasion in his life when any man suspected that he ever did or said or thought anything he was not willing to avow?

The *Boston Herald* said of him on the third of November, 1895:

"On the basis of a character of granite strength, of a rugged honesty as well as a genuine depth of piety, was reared a range of rare qualities in the way of shrewd Yankee perception, of illuminating wit and of a startling originality of common sense that made him a marked man everywhere."

Mr. Darwin E. Ware pays a loving tribute in verse, beginning with these words:

“On conscience, as on rock New England’s hills,
His life was built.”

Chief Justice Field, who was Assistant Attorney General at the time this crime was committed, if it was committed, says:

“He has left behind him an example of disinterestedness, sincerity, courage, nobleness of purpose and strenuous endeavor to make the world better worth living in, which is easy to praise, but not easy to imitate.”

The Chief Justice says on another occasion:

“He was about the best specimen we had of a witty, wise, courageous, public-spirited, God-fearing New England lawyer.”

Hon. Jacob D. Cox, whose letter I have given, says:

“For hearty love of right and for sturdy and unflinching support of it; * * * for purity of heart and sincere reverence for all that is divinely taught—he was a man for his country to be proud of and for his friends to model their own lives upon.”

Charles Francis Adams says:

“He was essentially a Puritan. Honest himself, and intuitively sensitive to dishonesty in others.”

Attorney General Knowlton says:

“The elements of character which have given Massachusetts her position in history were to be found in a marked degree in him.”

Mr. Joseph B. Warner said:

“The man was moved by two master passions — one a stern and solemn sense of duty, inflexible and irresistible

ble, applied most severely to himself; the other a warm and tingling sympathy with human nature in all its moods, gay or sad. * * * In two worlds he has always lived, at home alike on the cool heights of righteousness and judgment, and on the warm and sunny level of human joys and sorrows."

James Russell Lowell, a little earlier, said of him:

"You cannot set too high a value on the character of Judge Hoar. I have known Mr. Hoar for more than thirty years, intimately for more than twenty, and it is the solidity of the man, his courage and his integrity that I value most highly."

Frank P. Goulding speaks of the political and moral greatness of the man, and says a powerful moral force has passed away.

Edmund H. Bennett says:

"Whatsoever things are true,
Whatsoever things are honest,
Whatsoever things are just,
Whatsoever things are pure,
Whatsoever things are of good report —

These were his; all these were his, preëminently his, and no man taketh them from him."

William G. Russell, who knew him through and through in an intimate friendship, says:

"He stands for all that is best in New England character."

Mr. Causten Browne, an eminent Democratic lawyer, declared in the resolutions which he moved for the Bar, that he had "proved himself an able, learned, brave and upright, strong man — strong in perception and

understanding, strong in character, strong in conviction and resolution, strong in an unclouded sense of duty.”

If I accumulate these things needlessly, it must be remembered that I am defending the reputation of my brother, a reputation dear to me as my own, against the one charge ever made against him for which he cared, or which excited his indignation.

THIRD. What earthly evidence is there that the President or the Attorney General did not do exactly what they would have done if the Legal Tender decision had never been heard of?

The highest courts of New York, California, Indiana, Iowa, Pennsylvania, Massachusetts and the District of Columbia had upheld the constitutionality of the Act. There had never been a final decision in the country the other way, except that of the Court of the half-rebel State of Kentucky, and there the very able Chancellor was in favor of sustaining the Act. In Massachusetts the decision had been concurred in by three Chief Justices. Although Chief Justice Bigelow did not sit, owing to a technical and infinitesimal disqualification of being a stockholder in the company which was defendant in the case, yet I presume there is no doubt that he concurred with his brethren. The Act passed a Republican Congress eight years before, and had been approved by President Lincoln and every member of his Cabinet. It had had the general approbation of the Republican party throughout the country. Were all the Republicans who supported the Act, were all the Judges of all these States, or the entire Republican Bar of the Pennsylvania circuit, were men like Bradley and Strong, to be excluded from consideration as candidates for this great office by President Grant because

they believed in the constitutionality of a great measure to which their party was committed? If the President had appointed two Judges who had turned out to be of another way of thinking, would he not have been justly liable to the charge of packing the Court to overthrow the Act and sustain the previous decision? He would have had to rake the country as with a fine tooth comb to have found such men anywhere in the North who would have been otherwise eligible to the office. I have myself heard of but two respectable Republican lawyers who agreed to the decision in *Hepburn vs. Griswold*. One is Judge Cox, one of the best of men, a man who would adorn any situation for which he might be selected. But he belonged to the Ohio circuit which already had two judges upon the Bench of the Supreme Court, Chief Justice Chase and Judge Swayne. The other was my beloved personal friend and instructor, Judge Thomas of Massachusetts. But I am sure that he would not in 1870, or for many years before, have permitted anybody to call him a Republican. I think I may safely challenge any man to name a Republican lawyer in the country of whom anybody now will say there was any propriety in appointing him to the Supreme Court of the United States at that time, who would not have supported the constitutionality of the Legal Tender law. Why, every Judge who was appointed to that Court for the next 25 years, every one, was opposed to the decision in *Hepburn vs. Griswold*. Have all subsequent Presidents of the United States been engaged in this packing business? The *Boston Herald*, I believe, though I have not looked to see, earnestly commended the selection of Judge Gray when he was appointed by President Arthur. Does anybody think that every Republican President of the

United States from Grant down to Harrison should have laid aside all other considerations and devoted himself to finding judges who were opposed to the conclusions of the Court in this matter? They must have gone into the Democratic party to do it. I am not myself opposed to the appointment of Democratic Judges on suitable occasions. I very earnestly approved the selection by President Harrison of that admirable Democrat, Mr. Justice Jackson, for the Supreme Bench. Yet, if I mistake not, that appointment is the only instance in our history of a President who has gone out of his own party for a Supreme Court Judge. But I should hardly expect that any President would go outside of his own party for a Supreme Judge in order to get a man who could be depended upon to overthrow one of the great measures to which his party was committed. My dear man, if everything else be conceded, if it be supposed, if it be granted, that what took place in conference Nov. 27 was a decision, that it leaked out, that President Grant and the Attorney General knew it, that they knew the opinions of both Bradley and Strong, you have not advanced one step toward proving this charge. The President did exactly what he would have done, what he must have done, unless he had gone into the Democratic party for Judges for the sole purpose of packing the Court the other way.

It is said in a biographical sketch of Mr. Justice Bradley (page lxxi., 1st vol., Indexed Digest to United States Supreme Court Reports, published by the Lawyers' Co-operative Publishing Co.), that when Mr. Justice Grier sent in his resignation, in December, 1869, he accompanied it with an earnest letter to the President urging the appointment of Mr. Justice Bradley as his successor. Was Mr. Justice Grier, the eminent

Democratic Judge who concurred in the decision of *Hepburn vs. Griswold*, and without whose vote there could have been no majority in its favor, engaged in this infamous scheme for packing the Court?

I ought perhaps to say something of one other matter. The question whether there ought to have been under the circumstances an application to the Court to reopen the question determined in *Hepburn vs. Griswold* is one in regard to which there may be fair difference of opinion. After that decision was made known, Judge Hoar proposed to bring forward another case then on the docket which involved the same question and have it heard again. It was claimed by counsel on the other side that that case had been continued with the agreement that its decision should abide that of *Hepburn vs. Griswold*. I believe a highly respectable counsel who was in the case made affidavit that that was his understanding. But there was no pretence that that agreement had been made with Mr. Hoar. Mr. Evarts and all persons in the Attorney General's office at the time the agreement was alleged to have been made denied that they so understood it. But the parties to the suit who had the right to control that case abandoned it, and nothing came of that application. Another case to which there was no pretence the agreement applied was afterward argued by Attorney General Akerman, Mr. Hoar having gone out of office, and the decision of *Hepburn vs. Griswold* overruled. But Judge Hoar doubtless thought, as he says in his letter to the *New York Nation*, that the application was one proper to be made. In this I entirely agreed with him at the time, and agree with him now. The decision of *Hepburn vs. Griswold* when gold was above twenty per cent. premium added twenty per cent. to the burden of all public and

private debts in the country. If the decision was to be overruled later, when the matter came up in the course of business, it was surely better that the country should know at once what was to be the permanent law, and not go for a year or two under *Hepburn vs. Griswold*, and then have another decision reversing that and throwing business again into confusion. The wisdom of the course pursued is evident from the fact that *Hepburn vs. Griswold* caused no panic and very little fluctuation in the market except in regard to securities which were payable within a very short time. Whether Mr. Hoar was right or wrong in this opinion, he acted upon it, and never desired for a moment to evade the just responsibility.

The reasons for granting a rehearing cannot be better stated than by Mr. Justice Strong in his opinion, 12 Wallace, 529:

“It would be difficult to over-estimate the consequences which must follow our decision. They will affect the entire business of the country and take hold of the possible continued existence of the government. If it be held by this Court that Congress has no constitutional power, under any circumstances, or in any emergency, to make treasury notes a legal tender for the payment of all debts (a power confessedly possessed by every independent sovereignty other than the United States), the Government is without those means of self-preservation which, all must admit, may, in certain contingencies, become indispensable, even if they were not when the acts of Congress now called in question were enacted. It is also clear that if we hold the acts invalid as applicable to debts incurred or transactions which have taken place since their enactment, our decision must cause, throughout the country, great business derange-

ment, widespread distress, and the rankest injustice. The debts which have been contracted since February 25, 1862, constitute, doubtless, by far the greatest portion of the existing indebtedness of the country. They have been contracted in view of the Acts of Congress declaring notes a legal tender, and in reliance upon that declaration. Men have bought and sold, borrowed and lent, and assumed every variety of obligations, contemplating that payment might be made with such notes. Indeed, Legal Tender Treasury notes have become the universal measure of values. If now, by our decision, it be established that these debts and obligations can be discharged only by gold coin; if, contrary to the expectation of all parties to these contracts, Legal Tender notes are rendered unavailable, the government has become an instrument of the grossest injustice; all debtors are loaded with an obligation it was never contemplated they should assume; a large percentage is added to every debt, and such must become the demand for gold to satisfy contracts, that ruinous sacrifices, general distress and bankruptcy may be expected. These consequences are too obvious to admit of question."

I hope and believe that after reviewing this whole case you will agree with the *New York Nation*, and will do justice to the memory of a man who was as constant, staunch and thorough-going an advocate of honest money and a steady standard of value, and of paying all government debts in gold, as ever lived. Judge Hoar always took great satisfaction in remembering that while he was in Gen. Grant's Cabinet, and afterward during a friendship and confidence which was unbroken till Gen. Grant's death, he never failed to improve every occasion to urge upon him the importance of maintaining the specie standard and the financial honor of the

Government. He believed and I believe that these counsels were of great effect and that the country owes to them a great deal more than it will ever know in the maintenance of its financial integrity.

I am, faithfully yours,

GEORGE F. HOAR.

THE
Virginia State Bar Association

ANNUAL ADDRESS

BY

HON. GEORGE F. HOAR,
of Massachusetts.

“RELATION OF THE AMERICAN BAR TO THE STATE.”

DELIVERED AT THE

TENTH ANNUAL MEETING

HELD AT

HOTEL CHAMBERLAIN, FORT MONROE, VIRGINIA,

JULY 5TH, 5TH AND 7TH, 1898.

RICHMOND:
THE WILLIAMS PRINTING CO., PRINTERS,
1898.



Geo F Howar

ANNUAL ADDRESS
BY
HON. GEORGE F. HOAR,
of Massachusetts.

RELATION OF THE AMERICAN BAR TO THE STATE.

Gentlemen of the Virginia State Bar Association:

I am not vain enough to take this invitation from the famous Bar of your famous Commonwealth as a mere personal compliment. I like better to think of it as a token of the willingness of Virginia to renew the old relations of esteem and honor which bound your people to those of Massachusetts when the two were the leaders in the struggle for independence, when John Adams and Sam Adams sat in council with Jefferson and Henry and Lee; when the voice of Massachusetts summoned Washington to the head of the armies and Marshall to the judgment seat; when Morgan's riflemen marched from Winchester to Cambridge in twenty-one days to help drive the invader from the Bay State, and when these two great States were seldom divided in opinion—never in affection.

These two States, so like in their difference, so friendly even in their encounters, so fast bound even when they seem most asunder, are, as I think, destined by God for leadership somewhere. I thank Him—we can all thank Him—that He permits us to believe that that leadership is hereafter to be exercised on a scale worthy of their origin and worthy of the training He has given them. Nothing smaller than a continent will hold the people who follow where they lead. When the Massachusetts boy reads the history of Virginia, it will be with the property of a countryman in her fame. When the Virginian hears the

anthem of Niagara, he will know the music as his own. When he comes to Boston, the mighty spirits that haunt Faneuil Hall will hear, well pleased, a footstep which sounds like that of the companions and comrades, with which, in danger and in triumph, they were so familiar of old.

As is natural for communities of high spirit, independent in thought, of varying employment and interest, they have had their differences. But if you take a broad survey of human history, it will be hard for you to find two peoples more alike. They are the two oldest American States. It was but four years from the landing at Jamestown to the landing at Plymouth. Each has been, in its own way, a leader. Each has been the mother of great States. Each is without a rival in history, except the other, in the genius for framing constitutions and the great statutes which, like constitutions, lie at the foundation of all government. When Virginia framed the first written Constitution, unless we except the compact on board the *Mayflower*, ever known among men, her leaders studied the history and delighted to consult the statesmen of Massachusetts. "Would to God," writes Patrick Henry to John Adams from Williamsburg, where the Constitutional Convention of Virginia was sitting, "would to God you and your Sam Adams were here. We should think we had attained perfection if we had your approval." When a Virginian pen drafted the Declaration of Independence Massachusetts furnished its great advocate on the floor. When Virginia produced Washington Massachusetts called him to the head of the army. When Virginia gave Marshall to jurisprudence it was John Adams, of Massachusetts, who summoned him to his exalted seat. The men who have moulded the history of each sprung from the same great race from which they inherited the sense of duty and the instinct of honor. Both have always delighted in the discussion of the profoundest principles in government, in theology, and in morals. Rich as have been their annals in names illustrious in civil life, the history of each has been largely a military history.

There is no more touching story of the munificence and bounty of one people to another than that of Virginia to Massachusetts when the port of Boston was shut up by act of Parliament and by a hostile English fleet. I dare say generous Virginia has disdained to remember the transaction. Massachusetts never will forget it.

Little had happened which bore hardly upon Virginia. You were an agricultural people. The great grievance of New England after all was not taxation, but the suppression of her manufacture. There was no personal suffering here. It was only the love of liberty that inspired the generous people of the Old Dominion to stand by Massachusetts.

The statute of 14 George III., known as the Boston Port Bill, entitled, "An Act to Discontinue in Such Manner and for Such Time as are Therein Mentioned, the Landing and Discharging, the Lading or Shipping of Goods, Wares, Merchandise at the Town and Within the Harbor of Boston, in the Province of Massachusetts Bay," was enacted by the British Parliament in March, 1774. It was meant to punish the people of Boston for their unlawful resistance to the tea tax and to compel the province to submission. "If you pass this act with tolerable unanimity," said Lord Mansfield, "Boston will submit, and all will end in victory without carnage." The act took effect at 12 o'clock on the 1st of June, 1774. Boston depended almost wholly on her commerce. In a few weeks business was paralyzed, and the whole town was suffering. But George III. and his councillors had Virginia as well as Massachusetts to reckon with. Her generous people rose as one man. Not only letters of sympathy came pouring in to the selectmen of Boston, but there came substantial contributions of money and food, which, considering the poverty of the time and the difficulty of communication and transport, are almost without a parallel in history. The House of Burgesses appointed a day of fasting and prayer, and ordered "that the members do attend in their places to pro-

ceed with the Speaker and the Mace to church for the purposes aforesaid." But they did not leave Boston to fast. Meetings were held all over the Old Dominion. In Fairfax county George Washington was chairman and headed the subscription with £50. The convention over which he presided recommended subscriptions in every county in Virginia. Mason ordered his children to keep the day strictly and to attend church clad in mourning. In Westmoreland county John Augustine Washington was chairman. He enclosed in his letter a bill of lading for 1,092 bushels of grain. The generous flame spread among the backwoodsmen. Not only from tidewater, but from over the mountains, where the roads were little better than Indian trails, the farmers denied themselves to make their generous gifts. Their wagons thronged all the roads, as they brought their gifts of corn and grain to tidewater. Among the committees by which they were forwarded are the renowned Virginian names—some of them renowned in every generation—Upshaw and Beverley and Ritchie and Lee and Randolph and Watkins and Carey and Archer. But for this relief, in which Virginia was the leader and example to the other colonies, Boston, as Sam Adams declared, must have been starved and have submitted to degrading conditions.

The Norfolk committee say in their letter: "It is with pleasure we can inform you of the cheerful accession of the trading interest of this colony to the Association of the Continental Congress. We wish you perseverance, moderation, firmness, and success in this grand contest, which we view as our own in every respect."

Virginia and Massachusetts have moved across this continent in parallel lines. Each has learned much from the other. What each has learned and what each has originated have been taught to many new Commonwealths as to docile pupils. I will not undertake to discuss to which, in this lofty and generous rivalry, should be awarded the pre-eminence. Indeed, it would be hard

to settle that question unless we could settle the question, impossible of solution, which owes most to the other. But I am frank to confess that, whatever natural partiality may lead her sons to claim for Massachusetts, the world will be very slow to admit that among the men who have been founders of States in Christian liberty and law, there will be found anywhere the equals to the four names of Jefferson, Marshall, Madison, and Henry, to say nothing of the supreme name of Washington. As the old monk said of King Arthur: "The old world knows not his peer; nor will the future show us his equal; he alone towers over other kings, better than the past ones and greater than those that are to be."

No man, when he utters his admiration for the excellence of woman, brings his own mother into the comparison. It would be singularly unbecoming for any son of Massachusetts to be speaking or thinking of the rank which belongs to her in history on an occasion like this. But saving, therefore, my allegiance to her, I affirm without hesitation that the history of no other civilized community on earth of like numbers, since Athens, for a like period, can be compared with that of Virginia from 1765 or 1770 down to 1825. What her gallant soldier, Henry Lee, said of her most illustrious son may well be said of her: First in war, first in peace. What a constellation then rose upon the sky! The list of her great names of that wonderful period is like a catalogue of the fixed stars. For all time the American youth who would learn the principles of liberty protected by law; who would learn how to frame constitutions and statutes; who would seek models of the character of the patriot, of the statesman, of the gentleman, of the soldier, may seek instruction from her—may study her history as in a great university.

One thing is remarkable in the history of Virginia. It is true, I think, of no other American State. Notwithstanding the splendid constellation of burning and blazing names which she gave to the country in the period of the Revolution and of framing and inaugurating the Constitution, if by some miracle

they had been gathered together in one room, we will say in the year 1770, or in 1780, and had perished in one calamity, Virginia could have supplied their places and have maintained almost entirely the same pre-eminence. I do not know that she could have furnished a second Marshall or a second Washington. But the substance of what she accomplished for America and for mankind in those great days she would have accomplished still. She was like a country made up of rolling hills, where, if those which bound the horizon were levelled, other ranges would still appear beyond and beyond.

The mouth of the James river is the gateway through which civilization and freedom entered this continent. The Spaniard and the Frenchman, and perhaps the Norseman, had been in America before. But when Jamestown was planted the Englishman came. It is no matter what was his political creed, or his religious creed—whether Cavalier or Roundhead, Puritan or Churchman, the emigrant was an Englishman, and every Englishman then and since held the faith that liberty was his of right, and when liberty is put on the ground of right it implies the assertion that government must be founded on right, and that liberty belongs to other men also; and that implies government by law. *Nullum jus sine officio. Nullum officium sine jure.*

Other races have furnished great law-givers, great writers on jurisprudence, and a few great judges. But the sense of the obligation of law as that upon which depends individual right, the feeling that life, liberty, property are not privileges but rights whose security to the individual depends upon his own respect for them as of right belonging to other men also, a sense pervading all classes in the State, is peculiar to the Englishman and the American alone. It is this which is the security of our mighty mother and of her mighty daughter against the decay which has attended alike the empires and the republics of the

past. It is for this that England will be remembered if she shall perish.

Whatever harmonies of law
The growing world assume,
Thy work is thine; the single note
Of that deep chord which Hampton smote
Shall vibrate to the doom.

The people of Virginia have ever been renowned for two qualities—marks of a great and noble nature—hospitality and courage. Now, this virtue of hospitality and this virtue of courage as practised by men of generous nature mean something more than a provision for physical wants or than a readiness for physical encounter with an antagonist. The true hospitality to a man is a hospitality to his thought; and the highest courage is a readiness for an encounter of thoughts. So, in selecting a topic for to-day's discourse, although I hope to find myself in general and substantial accord with the gentlemen who do me the high honor to listen to me, yet I shall not take the smallest pains to seek matters concerning which you and I may be supposed to agree, or to avoid those concerning which you and I may be supposed to differ. I have not the least doubt that the noble hospitality of the Virginia Bar will permit me to utter anything which is in my mind without fear, and I have less doubt still that you are ready to furnish champions able to maintain your side of a debate against any antagonist on whatever field.

I wish to devote the time which your kindness accords me to a few thoughts, commonplace enough, I am afraid, but perhaps all the better for that reason, upon the topic, not new, yet never old—the relation of the American Bar as an order or brotherhood to the State.

Certainly the profession of the law is an order and brotherhood. To its ranks belong the great judges; the great advocates; the great writers on jurisprudence; the great law-givers of all nations and of all ages. When we read of a great service to liberty, to order, to jurisprudence by any one of its members

we feel a personal pride, and take a personal share in the glory of the achievement. It is a feeling like that which inspired the members of the great religious orders, the Dominicans, the Franciscans, the Templars, the Knights of St. John, or the Society of Jesus, who have borne the Gospel and the Cross through fire and sword, through famine and pestilence, in poverty and in pain, over seas and across continents. It is a feeling like that of the soldier for his regiment or his army. It is we—we use the regal plural—it is we who vindicated the right to print the truth, with good motives and for justifiable ends, through the lips of Erskine. It is we who marked out the eternal limits which divide justice from injustice, speaking through the authority of Justinian. It is we who, in the very throes of a revolution, secured justice for the British soldiers who had obeyed orders, through John Adams and Josiah Quincy. It is we who withstood King James with Coke, and Louis XIV. with D'Aguesseau. It is we who enabled the Constitution of the United States to work as the efficient mechanism of a great and free government, through the judgments of Marshall. It is we whose voices have been raised with a power greater than that of cannon or bayonet wherever liberty was in peril, or wherever law needed vindication. It is we who with Numa wooed the nymph Egeria in her cavern and brought down justice from Heaven to dwell on earth with men.

One of the ablest of our American lawyers, whose brilliant and glowing eloquence diverted the attention of his countrymen from his profound wisdom and philosophy, pointed out more than fifty years ago the felicity of the position of the lawyer in a free State, as being the preserver alike of freedom and of order.

“It may be said, I think, with some truth, of the profession of the Bar, that in all political systems and in all times it has seemed to possess a twofold nature; that it has seemed to be fired by the spirit of liberty, and yet to hold fast the sentiments of order and reverence, and the duty of subordination; that it has

resisted despotism and yet taught obedience; that it has recognized and vindicated the rights of man, and yet has reckoned it always among the most sacred and most precious of those rights to be shielded and led by the divine nature and immortal reason of law; that it appreciates social progression and contributes to it, and ranks in the classes and with the agents of progression, yet evermore counsels and courts permanence and conservatism and rest; that it loves light better than darkness, and yet like the eccentric or wise man in the old historian, has a habit of looking away as the night wanes to the western sky, to detect there the first streaks of returning dawn."—Choate, Vol. I., p. 417.

The profession of law in this broad and enlarged meaning of the term is no trade or calling. It is a department of government.

Wherever governments have been free, and precisely in so far as they have been free—in Greece, in Rome, in England, and on the Continent, this has ever been the function of our profession. It was never more its function than in our own country and in our own time. The great debate of liberty which preceded the Revolution was conducted in a large measure by lawyers. Of the fifty-two signers of the Declaration, twenty-four were of the legal profession. The Constitutions of the old thirteen States, the Constitution of the United States, were largely, almost wholly, the work of American lawyers. Of the fifty-five members of the Philadelphia Convention, thirty had been practising lawyers. The arguments of great lawyers—of Hamilton, of Jay, of Madison—commended the Constitution to the approval of the people. Of the twenty-four Presidents of the United States, twenty, and of the twenty-four Vice-Presidents, eighteen, have been members of our profession. To-day the President and Vice-President, the Speaker of the House, five of the eight members of the Cabinet, and three hundred and two out of the four hundred and forty-six members of the two houses of Congress were bred to the Bar. And if it be true that Washington and Taylor and Grant came to the Executive chair with-

out a legal training, it is also true that the great counsellors on whom they leaned were of the legal profession.

It is a very remarkable fact that our four great ministers of finance, Alexander Hamilton, Salmon P. Chase, Robert J. Walker, and John Sherman were lawyers. Indeed, if we were to go through the list of our most capable men in public life who have dealt most successfully with the problems of finance, whether in the Treasury, in Congress, as directors of the mint, as Comptrollers of the Currency, we should find that a larger proportion of them has come from the Bar than from banking or mercantile business. I am not speaking of the class of lawyers who are termed jurists. Lord Chief Justice Coleridge once told me that a jurist was a man who knew a little about the laws of every country but his own. I am speaking of men trained to the duties of the Bar, to the trial of cases, and the guiding of clients by wise counsel. The reason is not far to seek. The legal training teaches a man to deal with the complicated transactions of life and to find out where the turning-point lies; what it is that has brought success or has brought failure; to dismiss what is irrelevant, and to cling to what is essential. How often the able lawyer or advocate encounters an array of experts, men of science, physicians, merchants, manufacturers, shipmasters, directors of great railroads, and by his skilful and merciless cross-examination satisfies the jury and satisfies the men themselves that they are all wrong and where they have been wrong in concerns to which they have themselves devoted the study of their lives. The man who can extract the truth, the essence, the pivotal fact, the governing law from the various transactions of life when they are brought to the crucible of the court-house has acquired a faculty which enables him to do the same thing in the great emergencies and transactions of State. The great War Secretary, Edwin M. Stanton, was a great lawyer. The great War President, Abraham Lincoln, was a great lawyer. The great Secretary of the Treasury and financier of the war,

Salmon P. Chase, was a great lawyer. The great diplomatist and Secretary of State, William H. Seward, was a great lawyer.

Undoubtedly, a study of the annals of the Confederacy would show a like result. I suppose there is no American—certainly no American lawyer—who did not feel a thrill of pride when the famous Southern statesman, Judah P. Benjamin, after the war made his way over every barrier and easily took his place as the leader and head of the Bar of Great Britain.

As I said, thirty out of fifty-five of the members of the convention that framed the Constitution had been practising lawyers. The minority of laymen contributed little to the formation of the instrument. The great authority of Washington, the President, helped much to secure the adoption of the Constitution by his countrymen. But he took no substantial part in the debates. The wisdom and calmness of the aged Franklin more than once helped to compose the strifes which threatened to break up the assembly. But we shall all agree that it is fortunate that his propositions for a single House, for a President and senators without salary, for an executive council, for a power in the President to suspend the laws, and that votes on money bills should be cast by States in proportion to their contribution were not inserted in the instrument. Let us by no means underrate the value of the silent members in that great deliberative assembly. But it is none the less true that the constructive genius which matured the perfected Constitution from the schemes which were originally proposed was that of the lawyers of the body.

Theirs, too, was in largest measure the power of convincing the understanding of the people, and the skilled and difficult leadership which secured its acceptance. If it would be arrogant to say that the Federalist, the work of three American lawyers, equals any treatise on government that ever preceded it, we may at least say that those who are most familiar with what preceded it admire it most. The failure to ratify the Constitution in

either New York, Virginia, Massachusetts, or Connecticut would have been fatal to the whole plan and to the permanence of the Union in any form. A majority of the convention in each of those States, when it came together, was opposed to the scheme. Yet Jay and Hamilton and Livingston in New York; Ellsworth, Sherman, and Johnson in Connecticut; Fisher, Ames, Parsons, and King in Massachusetts overcame this hostile majority, and in Virginia the fiery eloquence of Patrick Henry, the great authority of Mason, the shrewd dexterity of Monroe could not hold together the ranks of the opposition against Marshall and Madison and Wythe.

Of our thirty-three Secretaries of State, all but one—Edward Everett—have been lawyers, unless we except Mr. Blaine, who studied for a short time in a law office.

Of our forty Secretaries of the Treasury, all but three have been lawyers. Of course, all the Attorneys-General and all the Judiciary have been lawyers. Occasionally some political party tries to change this practice, but they break down like Lord Coke's "Lack-Learning Parliament," of which he says "there never was a good law passed thereat," and like the "Know-Nothing" Legislature in Massachusetts, of which the same observation might be made. The people, of whatever party, will, as a general rule, go where they think they can get the best service. They know that he can best frame laws, can best discuss laws, can best administer laws, can best expound laws who has studied law.

Our profession is not the road to wealth. There have been instances, in these modern days of great speculations and of rapid gains, of members of the Bar, half lawyer, half speculator, who have acquired vast fortunes. But in the main it is still true—God grant it may be ever true—that the American lawyer is not of the class of men who serve their country for hire. He is like Agassiz. He has no time to make money. He is thinking of his imperilled client. He is thinking of the great principle he is struggling to establish in jurisprudence. He is thinking of

an honorable success in a generous controversy. He is thinking of country. He is thinking of duty. He is to be ranked with the clergyman, with the teacher, and with the man of letters, with the man of science, with the judge and the statesman and the soldier, who expects to get nothing from life but a comfortable support for himself and his household. His sufficient reward for serving his country is the having served her, or for saving his country, if that fortune should be his, the having saved her.

The young lawyer must choose between this career and this reward and the legacy to his children, and the fishpond and the deer park and the picture gallery and the kennel of hounds and the stud of race-horses. I believe the generous youth of Virginia will not hesitate.

But still the American lawyer has his own ample reward and his own abundant satisfaction. It is from our profession that judges, law-makers, and largely the great teachers of public morals always have come. The lawyer is the chief defence, security, and preserver of free institutions and of public liberty. These never have been, and I believe never will be, in this country chosen from men of wealth. The young lawyer in making his plans of life must elect between these two careers. Daniel Webster gives it as the result of twenty-five years' observation that it is the condensed history of most good lawyers that they lived well, worked hard, and died poor. I thank God that still, all over this country, we may write over the portals of the Temple of Justice the motto which James Otis took for his defence of the House of Representatives of Massachusetts:

Let such, such only, tread this sacred floor,
Who dare to love their country and be poor.

What, then, is the duty of the American lawyer, if he is to keep and hold this place of power and of usefulness in the Republic? if he is to be not a money-getter or tradesman, or a specialist, or even a useful and humble private citizen, but is

to be alike the conservator of order, the expounder of justice, and the champion and bulwark of liberty? The duty of the lawyer is:

First. To have a constant, intelligent, and instructed knowledge of public affairs. If his calling be an office and not a trade, he is bound to fit himself for the whole duty of his office. The lawyer who says that for himself he takes no interest in politics and devotes himself wholly to his profession is but half a lawyer. He is but half an American. This does not imply that he shall hold political office, or be a candidate for political office. If our conception of his function be a true one, he holds office already. But he should, within the sphere of his influence, be an authority upon all the great and vital questions which concern the interests of the people. This authority will not be diminished by the fact that it is wielded by a man without the ordinary personal ambitions of life. It is a function for which all his generous studies will have fitted him: I sometimes think that in our sensitive life the power of an absolute disinterestedness is greater than that of any official position, however exalted, in the State or in the nation. Cicero's description of the old age of the upright lawyer, to whom his fellow-citizens resort as to an oracle after he has retired from the active duties of the State, may be applied, in large measure, to the great lawyer during his whole life:

Quid est enim præclarius quam honoribus et rei publicæ muneribus perfunctum senem posse suo jure dicere id quod apud Ennium dicat ille Pythius Apollo: se esse eum unde sibi sinon populi et reges at omnes sui cives consilium expetant.

*Suarum rerum incerti quos ego ope mea ex
Incertis certos compotesque consili dimitto
Ut ne res temere tractent turbidas.*

Est enim sine dubio domus jurisconsulti totius oraculum civitatis.

Second. If the American lawyer is to hold his place as in the past, he should study his whole science, including constitutional law and the science of government, and not be a specialist. I know the great temptation to a man who wishes to get rich

rapidly and live easily to devote himself to some specially lucrative department of the profession, to become the servant of some great railroad or manufacturing company, or to get a speculative interest in some patent and let everything else go. But if he do this, he must forever shut himself out not only from high judicial office, but from the high places of advocacy.

As Lord Bacon took all knowledge to be his province, so at least the American lawyer must take the entire law of the country to be his. In that way, and in that way only, the old sarcasm that the law sharpens but does not broaden the intellect will be refuted and the lawyer will maintain the place he has so far held as the leader and guide of his countrymen in the ways of constitutional liberty.

Third. The duty of the American lawyer is to persuade the American people to submit all its grievances to the arbitrament of law; if the law be right, to enforce it; if the law be wrong, to change it. I believe that in spite of the mob spirit in some great capitals, in spite of the perpetual strife between wealth and poverty, between labor and capital, the influence of the profession of the law directed to this end will be sufficient to accomplish it. The American people will reason out their differences and not fight them out. These difficulties will be settled in the court-house, not in the street; by judges and juries, and not by mobs; by arguments, and not by bayonets. The influence of the profession in this way may be immense. Every disappointed litigant is in close relation with an equally disappointed advocate, and will listen to and accept his counsel. This will sometimes, I know, be a hard saying. But it is worthy of all acceptance. It is hard to submit to injustice. It is easy to persuade men who suffer under social inequalities that a decision against them is against law, or that the judgment has been procured by corrupt means or by improper influence. It is hard to wait patiently for a remedy. It is easy to persuade men to overthrow the great safeguards on which life, liberty, and property depend under the influence of disappointment or the sense of wrong. But

surely it is better to await a slow redress from peaceful instrumentalities than to substitute the methods of revolution or of mobs for legal and constitutional processes. The habit of respect for judicial tribunals and of deference for their decisions, if cultivated by our profession, will prevail among the people. Under our system the judges are often compelled to decide great political questions concerning which great political parties differ. I always lament when in times of political excitement the court is brought into the discussion. I always specially lament when advocates or judges permit themselves to speak in the court-house of the effect of this or the other decision upon popular feeling, or the danger that a certain decision may excite popular disapprobation. Such an utterance from the lips of an advocate is lamentable; from the lips of a judge it is unpardonable. There are few finer sayings in modern times than that of the late Lord Justice Bowen, who died too early for his own fame, when he said in his speech at Balliol, in 1887:

“These are not days in which any English Judge will fail to assert his right to rise in the proud consciousness that justice is administered in the realms of Her Majesty, the Queen, immaculate, unspotted, and unsuspected. There is no human being whose smile or frown; there is no government, Tory or Liberal, whose favor or disfavor can start the pulse of an English Judge upon the Bench, or move by one hair’s breadth the even equipoise of the scales of Justice.”

Experience has shown that the errors of judicial decisions require no revolution or disorder or violence for their remedy. The experience of England and of this country alike demonstrates that there is nothing over which a sound and healthful public sentiment makes a peaceful way more surely than over a judicial decision which is unjust or wrong or in restraint of liberty or in favor of rank against the people or the rich against the poor. The court soon finds a way out of it. It gets limited and trimmed. Its corners get cut. The vigor and vitality are construed out of it. It is founded upon the sand. That settled,

permanent, deliberate public opinion, sometimes taking generations, sometimes taking centuries to grow and ripen, prevails in the end alike over the edict of the monarch, the decree of the infallible Church, the judgment of the court, and the anger of the mob.

It will, I suppose, always be impossible to find a court whose judgments on the great constitutional questions which divide political parties will not be affected by a political bias. Although I think we have come more nearly to it than is commonly believed, I believe we can approach it more nearly still hereafter. If I am right in thinking that the ideal lawyer will take a large interest in public affairs, if our judges are to be selected from our best lawyers, then, of course, the honest and able judge will take his seat with opinions formed already upon the great constitutional questions of his time. But I believe, in general, he will be able to reconsider those opinions and to deal with new problems as they arise in a spirit of absolute impartiality. He will be better able, certainly, to reach this high standard of judicial conduct if he know that it is expected of him; that he will have credit for it, and that he may count on the support of the profession, as well of those who differ with him as of those who agree with him, in upholding the authority of his judgment.

I disbelieve and hate the doctrine that justice and righteousness and honor and impartiality and the constraint of public duty cannot be attained, or that, at any rate, they are for monarchies and not for republics; that France may have D'Aguesseau and England may have Hale and Somers, but that the country that produced Washington can produce no impartial and just judge to match them. *Incredulus odi.*

There was, I suppose, no nation—certainly there were few nations—existing when the Supreme Court of the United States was inaugurated equal in power to the great organizations which now appear year after year at its Bar to await and accept with submission its decree. Not only the Republic herself as represented by her executive and legislative forces, and great States,

larger in population, far more powerful in the resources of modern wealth than the nations living when the Republic was born, but great corporate beings, spanning continents and oceans with their traffic, representing millions of wealth, and employing vast numbers of servants, appear at this Bar as suitors or defendants. These imperial powers are to be encountered by imperial restraints. No other force than that of law will be able to curb them. No law can restrain them or secure the rights of the people against them that is not expounded by a court in whom the public have implicit confidence. This confidence it is the duty of the American Bar to maintain and to inculcate.

The court can never be the instrument of tyranny or injustice. That, if it occur, will right itself. The legislative power, obedient to the will of a free people, will check and correct such tendencies. So long as the court maintains the confidence of a free people, even while it resists the transitory passions of the hour, so long the people's rights will be secure. When the judge ceases to be independent, justice will cease to be supreme.

Mr. Gladstone said, in a well-known paper: "The American Constitution is, so far as I can see, the most wonderful work ever struck off at a given time by the brain and purpose of man. It has had a century of trial under the pressure of exigencies caused by an expansion unexampled in point of rapidity and range; and its exemption from formal change, though not entire, has certainly approved the sagacity of the constructors and the stubborn strength of the fabric."

This has doubtless become the opinion in substance of the most thoughtful students of political science the world over. The two elements to which the Constitution of our country owes this distinction are the Senate and the Supreme Court. This great tribunal which keeps the forces of State and nation alike within their appointed bounds must depend for its authority upon the respect and confidence of the people. That respect and confidence of the people must in my judgment depend upon the influence of the legal profession. A court which has their

support will endure. A court which fails of their support will perish. It is well, therefore, surely that the members of the legal profession carefully consider whether the great power of holding the acts of the popular will as expressed in legislation invalid as repugnant to the Constitution of the United States has been thus far exercised wisely, conscientiously, and for the public good; whether these great judgments have been in favor of justice and liberty and not in restraint of them. Let us take a brief review of the exercise of this power from the beginning.

Certainly, the power of the Supreme Court to declare void acts of the National Legislature which it should deem in conflict with the Constitution, a power of which Jefferson was so jealous, cannot anywhere be claimed ever to have been an undue or a dangerous restraint on the power of self-government. Still less, it seems to me, ought Virginia, with the known opinions of the majority of her people, to feel aggrieved with the instances in which that power has been exercised. I doubt whether many Virginia lawyers will be found who, with the single exception of the case of the income-tax, will not agree that in every instance the Supreme Court of the United States has been right. There have been but fifteen cases in a hundred and ten years in which the court has held acts of Congress unconstitutional. For the first eighty years there was but one which determined questions likely to excite serious political conflict. That was the *Dred Scott Case*.

For the first seventy-five years there was but one case in which an act of Congress was held invalid as being repugnant to the Constitution. That was *Marbury* and *Madison*, where the court held the thirteenth section of the Judiciary Act inoperative so far as it attempts to grant to the Supreme Court power to issue writs of mandamus in cases where the Constitution confers no original jurisdiction on the court.

The majority of the court in the famous *Dred Scott Case*, however, denied the power, which had been exercised by Congress before that time, of prohibiting slavery in the territory

north of the Missouri Compromise line. But the determination of that point was not necessary to the decision, which was that the court below had no jurisdiction.

Since the war there have been fifteen cases in which acts of Congress have been held repugnant to the Constitution.

Collector v. Day, decided at the December term, 1870, 11 Wall., 113, holds that it is not competent for Congress to impose a tax upon the salary of a judicial officer of a State. This decision only limits by construction the general phraseology of an act of Congress, holding that it cannot apply to the salary of a State officer, and should therefore hardly be included among those decisions which hold acts of Congress unconstitutional.

United States v. DeWitt, 9 Wall., 41, holds an act of Congress declaring it a misdemeanor to mix for sale naphtha and illuminating oil unconstitutional, as being a police regulation relating exclusively to internal trade of the State.

Gordon v. United States, 2 Wall., 561, which holds unconstitutional the statute of March 3, 1863, so far as it authorizes an appeal to the Supreme Court from the Court of Claims in cases where that court acts wholly as an auditor or assessor reporting its decisions to Congress.

Callan v. Wilson, 127 U. S., 540, which limits the general language of the statute defining the jurisdiction of the Police Court of the District of Columbia.

United States v. Fox, 95 U. S., 670, which holds a provision unconstitutional which declares that every person respecting whom proceedings in bankruptcy are instituted who within three months before their commencement obtains goods upon false pretences, shall be punished by imprisonment, on the ground that an act not an offence when committed cannot become such by a subsequent independent act with which it has no connection.

United States v. Steffens, 10 Otto, 82, which holds the statute of 1876 concerning trade-marks unconstitutional, as not limited to trade-marks used in international or interstate commerce.

Boyd v. United States, 116 U. S., 616, which holds the statute

of June 22, 1874, unconstitutional so far as it authorizes a court of the United States to require the defendant in revenue cases to produce his private books.

United States v. Railroad, 17 Wall., 332, holding a statute taxing bonds of municipal corporations unconstitutional.

None of them deals with questions about which different political parties or different sections of the country are likely to be in conflict. Part of them only deal with questions of great general interest, and in all of them the decision of the court, I suppose, has met with universal acquiescence. These cases are eight in number.

There remain six cases dealing with the legislation of the disturbed period which followed the war—to-wit:

United States v. Harris, 106 U. S., 629, where section 5519 of the Revised Statutes is declared unconstitutional on the ground that Congress has no power to pass a law punishing citizens of the States for conspiring to deprive other citizens of the equal protection of the laws of such States.

United States v. Reese, 2 Otto, 214, which holds sections 3 and 4 of the act of May 31, 1870, beyond the limit of the Fifteenth Amendment to the Constitution and unauthorized, as not confined in their operation to unlawful discrimination on account of race, color, or previous condition of servitude.

The Civil Rights Cases, 109 U. S., 3, which hold the first and second sections of the Civil Rights Acts unconstitutional.

Ex parte Garland, 4 Wall., 105, which holds a law unconstitutional which provided that no person should be admitted to the Bar of the Supreme Court without first taking an oath that he had never borne arms against the United States, as being *ex post facto*, and partaking of the nature of a bill of attainder.

Justices v. Murray, 9 Wall., 274, which holds the statute of March 3, 1863, providing for a retrial in the Federal Court of facts tried by a jury in the State court unconstitutional.

United States v. Klein, 13 Wall., 128, which holds the statute of July 12, 1870, null and void, providing that the acceptance

of a pardon shall be exclusive evidence of the acts purporting to be pardoned, as invading the powers of the judicial and executive departments of the government.

These decisions, six in number, are all in which the court have held unconstitutional acts of Congress in pursuance of the policy of the dominant party in regard to what is called "reconstruction."

This summary comprehends every case from the foundation of the government in which the national legislative power has been held in check by the Supreme Court, with a single exception, which I shall speak of presently. The disturbed period which followed the breaking out of the war required the legislative authority of the country to follow paths hitherto untrod. Three amendments were added to the Constitution, all born of the necessities and of the excitements which attended an armed conflict and the enfranchisement which was its result. It was to be expected that in dealing with exigencies which the generation that framed the Constitution never anticipated, there might be wide differences of opinion among the most learned jurists as to the extent to which its power should be found to be flexible and adapted to new conditions.

In each of these cases, it is to be noted, the court held unconstitutional the legislation of the political party to which a majority of its members belonged—the party to which that majority had owed its appointment. In that way the political policy desired by a majority of the people lately victorious in a great civil conflict was frustrated and baffled. The self-government of States lately engaged in an armed conflict with the government of the United States was preserved.

In *United States v. Harris*, 106 U. S., 629, there was but one Democratic judge—Field—and but one Southern judge—Woods. Every one of the judges was appointed by a Republican President.

In *United States v. Reese*, 2 Otto, 214, there was no Southern

judge, and but two Democratic judges—Field and Clifford. All but Clifford were appointed by a Republican President.

In *ex parte* Garland, 4 Wall., 105, there were four Democratic judges—Nelson, Grier, Clifford, and Field.

In the Civil Rights Cases, 109 U. S., 3, there was one Democratic judge—Field—and one Southern judge—Woods. All the Court were appointed by a Republican President.

In *Justices v. Murray*, 9 Wall., 274, there were four Democratic judges and no Southern judge. All but two were appointed by Republican Presidents.

In *United States v. Klein*, 13 Wall., 128, there were four Democratic judges and no Southern judge. All but two were appointed by Republican Presidents.

I have not time to deal with the cases in which the Supreme Court of the United States has held the laws of the States to be in conflict with the National Constitution. They are more than a hundred in number. In general, they may be reduced to three classes.

First. Cases in which the State has undertaken to invade the national domain of legislation, or of taxation.

Second. Cases where the State legislation has invaded the safeguards established by the amendments to the Constitution, which are in the nature of a bill of rights, or securities for personal liberty.

Third. Cases where the State legislation violates the provisions of section 10 of the first article of the Constitution, which enacts that no State shall pass any *ex post facto* law, or law impairing the obligation of contracts.

I think I may affirm, without danger of challenge or contradiction, that these decisions have, in general, the approbation of the legal profession, and that the people are satisfied with them.

I think, therefore, that I may confidently appeal to my audience to agree with me in saying that the great powers given by the Constitution of the United States to the Supreme Court have been in favor of liberty and of popular self-government,

and not in restraint of either; that the great principles and rules of public policy to which Virginia has held from the beginning have found, on the whole, their strength, their safety, their support, in the court to which she has contributed so many shining lights, and which has found so much guidance, illumination, and instruction in every generation from her famous and most illustrious Bar. Are you, on the whole, glad that in the hundred years which followed the adoption of the Constitution, that in the thirty years which followed the last war, you were not left to the unchecked and unrestrained legislative control of a numerical majority?

I suppose there is but one of these decisions which is not in accord with your opinion, which is the opinion of Virginia. So when I declare that the power of our great tribunal to keep the legislative power within its appointed bounds is a power in aid of liberty protected by law, has been wisely exercised from the beginning, and that in every case from the beginning the Court have been right, have done what the framers of the Constitution would have done, what the people who accepted the Constitution would have done, what the great Virginians of the great day would have done, what Virginia herself then and always would have done—I am sure, I believe, of your unanimous assent, save so far as it is to be qualified by your opinion in regard to a single case. Do not impute to me the presumption or the folly of reopening the argument upon the Income-Tax Cases on an occasion like this. I freely concede the great weight of the argument upon the other side, which has convinced so large a minority of the Court and so many of the great minds of the profession of all parties, North and South. Indeed, though not myself agreeing with it, I regard the argument of Mr. Attorney-General Olney in support of the validity of an income tax as one of the most masterly in the history of jurisprudence. Your own eminent senior Senator, whose fame as a lawyer is the pride and the honor of the Bar of the whole country is, as you and I well know, of that way of thinking.

But there are two or three considerations which may, perhaps, lead you to deem the decision in the Income-Tax Cases less surely a public calamity than is sometimes supposed.

Let us admit that the decision of the majority of the Court in the Income-Tax Cases was all wrong. Are there not still some considerations which, perhaps, may lead us to deem it not only less surely a public calamity than is sometimes supposed, but also to think that the conclusion of the majority is one which great jurists, looking with a single eye for the law without fear or favor, without the desire to please or the dread to displease anybody, familiar with the history of the formation of the Constitution, familiar with the public opinion which accepted it, paying reasonable regard also, so far as is fitting, to considerations of public convenience, which might well be supposed to have been in the minds of the framers of the Constitution, might honestly and reasonably, even if mistaken, be supposed to arrive? First, I should like to ask the conscientious American lawyer, before condemning that great tribunal which otherwise he will concede to be the chief civic ornament and glory of his country, to read the contemporaneous history and to ask himself if he believes that any single State would have adopted the National Constitution if it had been believed that the central power would ever be permitted to invade this domain for the purposes of taxation? Is there any fair ground for finding it as an historical fact that the framers of the Constitution said to the States, in this clause which we all agree might have been and should have been more clearly expressed: "Give us duties on imports; give us the proceeds of the sales of public lands; give us excises, and you may keep taxes for State purposes. Or, if there shall be a great national exigency such as war, where the government needs something more, then, according to our great doctrine of liberty, taxation, and representation shall go together. The vote that spends and the purpose that pays shall be in the same proportion." Dr. Franklin, as you know, had just proposed that in all appropriations and dispo-

sitions of money to be drawn out of the general treasury, and in all laws for supplying that treasury the delegates of the several States "shall have suffrage in proportion to the sums which their respective States do actually contribute to the treasury." May it not fairly be considered that everybody, or nearly everybody, agrees that a tax upon land is a direct tax, and that a tax upon the income of land cannot be levied by a power that cannot tax the land itself? And that, therefore, great injustice and inequality and disproportion of burden must exist under a system where the income of the great landholder, the Astor or the Sears, is to be exempted and the earning of the professional man or the mechanic is to pay? May we not also profitably reflect that it is likely to be found highly oppressive and inexpedient that the two authorities shall be found taxing the same thing at the same time, and that if the taxing power of the United States keep off that field and domain it is left open to the several States who can make such arrangements as they think fit, so that the wealth of the country will be compelled to pay its just and equal share of the public burdens. More and more as the States grow in wealth their objects and necessities for taxation will increase. I suppose that the aggregate of State, county, and local taxation in this country must considerably exceed that of the General Government. The total tax in my own State for State, county, city, and town purposes considerably exceeds thirty million dollars, of which ninety-one per cent. is levied for municipal purposes. Then it may, perhaps, give us some little comfort when we reflect how odious an income tax has always been found. Disraeli has declared that the English income tax was a most odious burden which fell with greatest weight on what he called the lower middle class. It was the first of our war taxes to be abandoned by an almost universal consent. So long as human nature remains unchanged, so long an income tax will give rise to evasion, subterfuge, and perjury. You have tried it in Virginia, perhaps with better fortune than they have elsewhere. There are but four American States of whom your

State and mine are two that are willing to tolerate it. And the burden and inconvenience of such a tax must infinitely increase when it is exacted by a central power which cannot deal intelligently with local conditions or make suitable exemptions, and where the final power of deciding all questions is to be exercised hundreds of thousands of miles away. But, as I said, I am not here to debate the constitutionality of the income tax. I am only to insist that whether our great tribunal have erred in one particular they have, in general, been in accord with the best opinion of the country, and with the best opinion of Virginia.

The court is the shield of the minority and the shield of the citizen; the maintenance of its authority is in the last resort to prevent us from becoming instead of a constitutional government the government of a pure and unchecked majority, to go surely and speedily the way of the empires and the republics of the past.

This is the moral of all human tales,
 'Tis but the same rehearsal of the past,
 First freedom and then glory—when that fails
 Wealth, vice, corruption, barbarism at last,
 And history, of all its volumes vast,
 Hath but one page.

Certainly we must agree that the Supreme Court of the United States has scrupulously kept itself aloof from political controversy and kept off the domain which belongs to the political power of the country. It would have been intolerable had it been otherwise. An unchecked tyranny practised by courts under the pretense of administering justice would be a form of oppression hard to be borne anywhere, impossible to be borne by the genius and the spirit of our free people. There have been a few persons—such persons are not now, I think, very numerous—who agree with the opinion which Mr. Jefferson expressed under the excitement of his controversy with Chief-Justice Marshall, that it never was intended that the Supreme Court of the United States should have authority to declare void the attempted exercise of legislative power on the ground that it

was in conflict with the Constitution. But I suppose with few and rare exceptions all thoughtful students and patriotic Americans are glad that the Constitution has been so interpreted, and are glad also that the necessity for this judicial interposition has been so frequent and that the Court has been so sparing and scrupulous in the exercise of this great power. If we look at this judicial power not as it bears upon immediate and temporary and fleeting conditions, but as it affects the steady, permanent, and slow growth of the country, we shall find that the effect of the declaration by the Court that an attempted exercise of the legislative or executive power is a violation of our written Constitution is only to require pause, reconsideration, slowness of procedure in accomplishing what the popular will shall desire. The permanent, settled will, the sober second thought of a great people will make its way in the end either by changing the Constitution or by changing the construction.

Fourth. The lawyer should study the law with the constant purpose to do what he can to amend and perfect it. Every State and Territory, and nearly everywhere every county should have its Bar Association, whose function should be not only to maintain good fellowship, to preserve the highest standard of professional honor, learning, and capacity, but also to make its power felt in the amendment of jurisprudence and in keeping the law constantly abreast of the growing needs and the intelligent public sentiment of the country. But in this matter the ten volumes of the Reports of the State Bar Association of Virginia furnish abundant evidence that you require no advice and need no spur.

God forbid that anything should so change the temper of the American people as to destroy that healthy and eager discontent, alive to existing evil, constantly yearning for an ideal perfection always to be approached if never to be attained. This is the secret of greatness and of glory. But we need to be taught the lesson of which the American lawyer is the best possible teacher—that everything which is permanent is of slow growth.

The mushroom, which grows in a night, perishes in a day, while the oak slowly adds ring to ring through its centuries of life. I hope that our people will be taught this lesson by the American Bar, especially in dealing with their Constitution. We may make changes of mere mechanism like that which grew out of the contested election between Jefferson and Burr; we may make new securities for individual right like those which followed immediately after the adoption of the Constitution, and those which followed the war. But let us hold fast to the substance of this wonderful structure the like of which the world never yet saw, and the equal of which it is not likely to see again until the experience not of a year, not of a presidential term, not of a single generation, but at least of a century, has demonstrated that it has failed.

In submitting what I have had to say to the considerate judgment of the Bar of Virginia, I have spoken freely and plainly as is due to my own self-respect and as becoming one speaking to such an audience. I have spoken in behalf of a tribunal whose constitutional judgments upon the greatest questions with which it has ever had to deal have overthrown, baffled, and brought to naught the policy in regard to the great matter of reconstruction of the party to which I myself belong, and the school of politics in which I have been trained and which, I suppose, was also that of a majority of the American people. I submit. I believe that the example of such submission is better and promises more for the continued life of the Republic than any party success, or than the prevalence of any special policy. The life and the glory of this country are to depend not on armies or navies, not on wealth, not on victory, not on empire, not on commerce, not on numbers, but upon the sentiments which govern the individual citizen—above all, on the sentiment which it is the function of our profession to inculcate—that of obedience to law. The one most sublime thing in the universe, except its Creator, is that of a great and free people governing itself by a law higher than its own desire.

In that sublime pathway it was the function of Virginia to be the leader in the early days. That leadership may still be hers. Whatever may be the influences that determine the future of a great State the strongest of all is its own history. The Virginian youth, bred to the contemplation of her mighty past and to form himself upon the great models she has furnished in every generation, can secure for himself and for her a power over the future of the Republic to which her own past alone can furnish a parallel. What Virginia helped win for us; what Virginia helped build for us, let Virginia defend for us, let Virginia preserve for us. And the leader of three millions shall be the leader of a hundred millions.

ADDRESS

DELIVERED BEFORE THE

SENATE AND HOUSE OF REPRESENTATIVES

AND INVITED GUESTS

ON FEBRUARY 12, 1901

BY THE

HON. GEORGE FRISBIE HOAR

IN RESPONSE TO AN INVITATION OF THE

GENERAL COURT

BOSTON

1901



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BOSTON:
WRIGHT & POTTER PRINTING CO., 18 POST OFFICE SQUARE.

ADDRESS.

MR. PRESIDENT, MR. SPEAKER AND GENTLEMEN: —

Your invitation comes to me alike as a high honor and a command not to be disobeyed. I seem, as I speak to this assembly, to be speaking to the Commonwealth herself, here in her stately palace, in gracious bodily presence. To a son of Massachusetts there can be no earthly honor greater than that she can confer, and no mandate save that of the country alone which can speak with so great authority. It may seem, at the first thought, to have something of disrespect in it, what, after all, is the highest token of respect, that I have not for a moment stopped to consider whether what I have to say shall please or displease. The faithful servant does his master most honor when he gives fearless even if unwelcome counsel. The gracious master honors that servant above all others to whose good will and affection he permits the freest and the plainest speech.

This day has a double significance. It is the birthday of our great martyr-President. It is near the beginning of your first session in the new century. This house, I suppose, is the oldest legislative body on earth representing a free people, save only the House of Commons and perhaps the Virginia House of Burgesses. Whether we are to dwell wholly on the life and teachings of Abraham Lincoln, and to see how near we have followed or how far we have drifted away from the path he marked out

for us, or whether we are to take the census of what has been gained for humanity in one of the periods by which history is reckoned, our thoughts are not unlikely to turn into the same channels. Freedom, self-government, justice, the welfare of humanity, were the great things for which Lincoln lived and for which Lincoln died. Freedom, self-government, justice, the welfare of humanity are still the tests by which we mark the progress of the nation and the race.

I have sometimes thought that we might improve somewhat our method of celebrating the birthdays of our heroes and statesmen who have departed. Instead of inviting some living orator, let us, as near as may be, invite the man himself to the celebration. If the people are considering some question involving the public welfare or the fate of the republic, or what, if not the same thing, are higher and dearer yet, the honor and the conscience of the republic, let some faithful searcher gather everything the man we would honor has left us on that subject in the way of example or of precept. If the question be whether we shall enter on a career of foreign dominion, let us celebrate Washington's birthday by recalling what he said on that subject. If the question be what constitutes lawful reason for war; or what is the duty of good citizenship when the country is in a war in which it is wrong; or what are the rights which belong everywhere to that being which we call a people; or what is the line of distinction between power and right, when a strong nation has to deal with a weak one; or whether it be lawful for one people to subdue another to its will; what consent of the governed, if any, be

necessary to the exercise of just powers of government; whether there can be taxation rightfully without representation; whether men may be held lawfully in a State as subjects and not citizens, — would it not be well, on Abraham Lincoln's birthday, to gather everything he said on those subjects, and what he did when charged with public responsibilities? Would it not be well, on Webster's birthday, to call him up to bear his testimony as in visible presence; or, on Jefferson's birthday, to hear what he had to say about it; or, on Sumner's birthday, to listen again to the counsel of that dauntless and righteous spirit? In that way the silent lips of the mighty dead will seem ever speaking their high commands to their countrymen. In that way every generation will still live, and Webster and Sumner and Sam Adams and John Adams may still always be present on this spot with which they were so familiar in life, still sitting, still deliberating, still debating.

But I have preferred, if I may so far presume on your generous indulgence, to devote this hour to a few thoughts appropriate to the beginning of the new century.

I will not, in the time I have a right to occupy to-day, undertake to deal with matters which are sure to be thoroughly discussed elsewhere. I have not time, and it would not be worth while, if I had, to compare the condition of the country or of the Commonwealth in power, in population, in wealth, in invention and in material resources, or in general intelligence, with that of 1701 or 1801. You will find all that in the census and the statistical tables of boards of trade and chambers of commerce. If you wish, in these days, to stir

the blood and to start the tear of pride in an American citizen, the best thing with which to do it is a column of figures from the census. I wish to speak only of some of the things which affect the moral condition and character of the people. I like better to consider what we have gained in the two centuries, and especially in the one century which has just gone by, in the things which make the true welfare and determine the destiny of the Commonwealth. It must be but a glance. I can speak only of a few things out of many. Civil and religious freedom; the comfort and dignity of the common life of the people; fair distribution of wealth; opportunity to get the necessaries and comforts of life and to achieve success in honorable employment; purity of legislation; the power of conscience and justice over the action of the people; security of life and property against crime; the prevalence of public spirit over party spirit; the dignity of manhood and womanhood, not only as respected in ourselves, but as respected and guarded in our treatment of other races than our own, — these are the chief things, or certainly among the chief things, which are to decide whether Massachusetts shall abide and keep her honorable place in the estimation of mankind. I wish to say a few words only about each of these things, hastily, and without much attempt at order.

The keynote of the constitutional history of Massachusetts, from the landing of the Puritans to this hour, has been a people's government by its sober second thought. Her people have always insisted that the thoughts of a great nation ought to come slowly and its action ought to

be deliberate. So, while spasms of popular feeling have swept over the State, it is gratifying to record that they have borne little fruit of mischief. It is noticeable that almost every one of these cases has been an instance where the people have, for the time being, broken away from party ties, and that they have been brought back to sobriety and wisdom by party instrumentality. To every people into whose government anything of freedom enters, government by party is a necessity. In proportion as governments are free, the necessity of party government becomes greater. In proportion as party government has prevailed in any nation or in any generation, in that proportion the nation or generation has achieved most for righteousness, justice and liberty, has made most rapid progress and has been most prosperously and wisely administered. Responsible party government is a highly conservative force in a republic. It demands leadership. But it demands also consultation, deliberation and following leadership. So the diminution of the strength of party obligation is by no means an unmixed good.

But the sense of party obligation which puts party spirit above public spirit and gives bitterness not only to the discussion of public affairs but to private and social intercourse, which assails personal motive and would destroy personal character, is doubtless one of the greatest of public evils. I rejoice to believe that within the last century it has largely diminished and seems almost wholly disappearing from Massachusetts. This has perhaps brought with it some loss of steadfastness and constancy. But, on the whole, it is a

great gain. No man who can read the literature or history of the time before the revolution, of the time just after the revolution, or knows the past or present condition of other free countries, will doubt, I think, that the spirit of what is called partisanship, in the bad meaning of the word, is less in this Commonwealth than in any other spot on the earth's surface, and is less in this Commonwealth to-day than it was ever before. If you would search for political bitterness, for hatred, malice and uncharitableness, for attributing to men base motives wherever base motives are possible or even conceivable, you may perhaps find them still. But you will not find them in the organs of either of the great parties of Massachusetts, or in the representatives of those great parties who sit in these seats side by side, striving with a generous emulation to do what is for the good of the Commonwealth they love.

At the beginning of the seventeenth century, if there did not exist what may be called party spirit, it was because the rigid intolerance of the time did not admit of party itself. There had been a few great controversies in the seventy years since the settlement; but they had been solely, I suppose, of a religious character. Party, in its new and modern sense, came into being with the great controversy with the crown, which ended in revolution and independence.

In 1801 Mr. Jefferson was elected to the presidency after a long and bitter contest in the House. The Federalists favored Aaron Burr. It seemed not so much a party victory as a new revolution. Levi Lincoln the younger, in an oration warmly praised by Jefferson him-

self, proposed that thereafter the 4th of March should take the place of the 4th of July to be celebrated as the birthday of American freedom. The Republicans and Democrats who sit side by side in these seats in an affectionate brotherhood can hardly believe the bitterness of the party spirit of the time. It pervaded the pulpit, the press and the college. It divided the social life of village communities into hostile camps. The elder Levi Lincoln, who had organized and led the great political revolution in New England, then Mr. Jefferson's Attorney-General, tells him in the spring of 1801 that things are getting a little better, and that even the ministers pray with more discretion. The clergymen were Federalists, almost all of them. The Democrat seemed in their eyes a sinner almost past praying for, except that sometimes the invocation would go up from the desk, "Oh, Lord, wilt Thou send down Thy blessing upon the President of these United States, and wilt Thou give him that wisdom which he so much needs."

The college shared and reflected the same feeling. At Dartmouth, in 1803, the poet of the Phi Beta Kappa Society denounced the new administration with the ferocity and with some little trace of the vigor of Juvenal. He represents the awful shade of Washington, then dead but four years, rising from his tomb on the banks of the Potomac, and casting angrily in the faces of his unworthy and degraded countrymen the honors with which they had once crowned him:—

His warm cheek glowed, and flashed his angry eye;
Then from his brow the laurel wreath unbound,
And threw the withering honors on the ground.

Here is the portraiture of Thomas Jefferson, then President:—

Cimmerian goblins brooded o'er the hour
 When here a wild projector rose to power ;
 Delusive schemes distend whose plodding brain,
 Whose philosophic robe debaucheries stain.
 He, weak in rule, unskilled in moral lore,
 In practice infidel, in spirit poor ;
 Despised in person and debased in mind,
 At once the curse and pity of mankind ;
 Pleased with his simple garb and atheist lore,
 Reviles the God his countrymen adore.
 Refined in insult, there we see him shed
 Theatric sorrow o'er the mighty dead.
 Oh, then, then Heaven's indignant thunders slept ;
 The shade was wounded and the virtues wept.

Here is the poet's picture of Albert Gallatin, that most accomplished scholar and patriot, then Secretary of the Treasury:—

Columbians, see disgraced and drooping stand
 Your eagle, half unfledged, by party's hand.
 Columbians, see a foreign child of vice,
 Vile leech of state, whose virtue's avarice,
 Sedition-nursed and taught in faction's school,
 With front of triple brass your treasury rule.
 Columbians, see the foes of virtue rise,
 By slander mounted and upheld by lies.
 Columbians, see your veterans basely spurned,
 Your heroes slighted and your chiefs unmourned.
 See, nor, while merit from your pride is driven,
 Expect the favor of offended Heaven.

This poem was published by a committee of which Ezekiel Webster, the brother of Daniel, himself afterward one of the most celebrated men in New Hampshire, was

chairman. Through the committee, the Society of the Phi Beta Kappa returned to the author their cordial thanks for his "ingenious and sentimental poem, and request a copy for publication."

This was Dartmouth. I am afraid Harvard was worse. Fisher Ames, our great orator, who ought still to be studied by our youth as a model, who was offered the presidency of Harvard just about the time the letter was written, says: "Our country is too big for union, too sordid for patriotism, too democratic for liberty. What is to become of it, he who made it best knows. Its vice will govern it by practising upon its folly. This is ordained for democracies. . . . Botany Bay will be a bettering-house for our public men. Our morals, forever sunning, and fly-blown like fresh meat hung up in the election market, will taint the air like pestilence. Liberty will choke in such an atmosphere, fouler than the vapor of death in a mine."

There were towns — I think it was a little worse in New Hampshire than in Massachusetts — where the whole Democratic party would combine to prevent a Federalist moving into town, and the whole Federal party would combine to keep out a Democrat, or to get him out if he came in. In choosing a doctor or a lawyer, or in dealing with a storekeeper, the Federalist patronized the Federalist and the Democrat the Democrat.

I think we have much improved in these matters. I do not wish to discourage the efforts of some of my Independent friends. They will doubtless improve by practice, if they continue of the same way of thinking long enough. But as yet their descriptions of President

McKinley are far behind in ability and somewhat behind in bitterness the Democratic descriptions of Washington, or the Federalist descriptions of Jefferson.

Our ancestors two centuries ago encountered and sometimes yielded to the temptations which belonged to a time which had not yet thrown off the superstitions of the dark ages. They had been themselves the victims of religious intolerance and political oppression; and men who have been the victims of political and religious oppression are apt, when they get the power, to exercise such oppression in their turn. We have gained much in the matter of religious freedom since the time of the witchcraft persecution, little more than two centuries ago. We have gained much during the century just closed. Within my recollection, Abner Kneeland was put on his trial in Boston for blasphemy for a temperate argument against the prevalent Christian faith. The ruins of the Ursuline Convent were still standing on yonder hill in Charlestown when I was a student at Harvard. Down, I think, to 1850 or thereabouts, the Legislature refused a charter to the Catholic College of the Holy Cross at Worcester. This charter was not actually granted until 1865. I yield to no man in reverence for the mighty Puritan who builded this State and laid deep below the frost its solid foundations in religion and liberty. I reverence also the great generation that followed the war of the revolution, and sent your predecessors to this spot to gain for Massachusetts the title of the "model Commonwealth." Their blood runs in my veins. I am their offspring in every line of descent. Whatever the State has been, has become or shall be, is largely their work. But I believe

that the spirit of religious freedom is purer in our time than it was in theirs. I am not quite ready to maintain that the Mathers were better religious teachers than Edward Everett Hale or Phillips Brooks, — aye, or than Thomas Conaty.

Perhaps the most distinctive single characteristic of our time is the great, rapid and easy accumulation of wealth in individual hands. It is in some respects a public benefit; it is in some respects a public danger. In general, these vast estates go, in one or two generations at the farthest, back into the general mass of property, or are set apart for public purposes. As a rule, the rich men of this country have been stirred by a generous ambition to use a large part of their wealth for public objects. The voluntary gifts for education alone large enough to be separately noted in the press for the last quarter of a century amount to nearly \$300,000,000, besides gifts to libraries. If they leave no children, it all goes that way. If they leave children, our laws, which forbid tying up property by will or deed for a longer period than a life in being at the death of the testator or grantor and twenty-one years thereafter, insure the rapid division of the great fortune; and the heirs in many cases have a genius for scattering property equal to that of the genius that acquired it. So the people who get, in the way of employment, the benefit of the energy that builds up great business enterprises, get, sooner or later, also the fortune acquired by the man who originated them.

But I agree that the effect of these vast fortunes is bad in the substitution of luxury and extravagance in place of the plain living that characterized our frugal

republican fathers. A greater danger still, which I think we shall find means to deal with, is the corrupt use of money to carry elections or to get high office or influence Legislatures. Of this we have had some most disgraceful recent examples. These things cannot always be proved clearly enough to defeat their object, even if the men who have done them not only do not deny them but boast of them. One remedy must be found in an aroused and indignant public opinion. The millionaire who would corrupt a great State to get a great office must be made to feel that his success will bring with it neither joy nor honor. Let public contempt and scorn blast him. Let him be avoided as one with a leprosy. We shall not, probably, revive the ignominious punishments of the past, but, if they are ever revived, let him be their first victim. The whipping-post, the branding on the forehead, the cropping of the ears, the scourging at the cart's tail, are light punishments for the rich man who would debauch a State, whether it be an old State with an honorable history, or a young and pure State in the beginning of its history. If we cannot apply them literally and physically, let the aroused public sentiment of his countrymen pillory and brand and scourge the infamous offender. Leave him to his infamy. Let him be an outcast from the companionship of freemen.

Give him a cloak to hide him in,
And leave him alone with his shame and sin.

We will not be cast down. This thing is partial, local, temporary. The great mass of the American people is honest, patriotic and incorruptible. Every generation

has had its own faults and temptations and wrong-doings ; every generation will have its own faults and temptations and wrong-doings unto the end of time. We have to encounter an evil which comes from a great wealth and a great prosperity. England went through the same trial long ago. I am not speaking of the time of Sir Robert Walpole, the great prime minister, who said that every man had his price, but of a later time. Disraeli said in the House of Commons that long after the time of Walpole, after the close of the American war, a member of the government used to stand at the entrance of the House of Commons at the end of the session and give every member who had faithfully supported the government a five-hundred-pound note. England has put an end to corruption and bribery. We can do everything that England can, and we can do a great many things that England cannot.

It has been well said by Mr. Webster, who knew the New England character and comprehended New England institutions more profoundly than any other man who ever lived, that "there is hardly a greater blessing conferred on man than his natural wants." If he had wanted no more than the beasts, who can say how much more than they he would have attained? In considering the comfort and dignity of common life by which the social conditions of a State are determined, it is no cause of regret, but of congratulation and thankfulness rather, that our wants to-day far transcend those of our simple and frugal ancestors. Plain living and high thinking are doubtless the best conditions for human life, but, if the living be too plain, the thinking will not be high. The

soul and the body will not often hunger or thirst at the same time. Mean and base surroundings, without the refinement of taste, are apt to degrade alike the intellectual and the moral nature. So I count the improved style of living, the widening of the circle of what are called the necessaries of life, the adornment of the mechanic's home and the improvement in the farmer's dwelling, which have taken place in both these two centuries we are reviewing, as an unmixed blessing. It has not only stimulated manufacture, it has not only been the parent of inventive genius, it has not only increased national wealth, but it has elevated national character.

Was there ever such an example on earth as Massachusetts of the peaceful incorporation into a State of men of foreign origin and alien blood, — a people considerably larger in number than those of the original stock? Yet the essential qualities of character remain unchanged, or only changed for the better. Massachusetts has been the author of great benefactions to mankind. Her example has gone, as her children have gone, from one end of this continent to the other. Foreign nations have profited by her lessons. English freedom, as it has slowly broadened down from precedent to precedent, has owed much of its growth to precedents set to England by America and set to America by Massachusetts. But among her greatest benefactions has been her benefaction to the strangers she has welcomed within her gates and seated as brethren, or rather as children, at her hospitable board. And yet, whatever benefit she has conferred upon them,— upon the Swede, upon the Irishman, upon the Englishman,

upon the Italian, — they have repaid over and over again to her.

Let us not discourage the healthy discontent of labor, still less the impatience of poverty with its lot. It is from these that great improvements in social conditions are born. This discontent, when it flows in healthy channels, begets invention, begets energy, begets improvement in legislation, and keeps the State from stagnation and corruption. But, still, the plain man who lives in his simple dwelling, who looks with envy upon the luxury in which his neighbor dwells, may well reflect what wealth belongs to him by virtue of his citizenship, which no prince or nobleman or nabob ever enjoyed in former generations. He is the joint owner of beautiful parks and galleries and libraries. Schools and colleges are open to his children at a cost almost nominal. He is transported from town to town, over country roads, through fertile fields, through populous towns and cities. He can enjoy the mountains of beautiful Berkshire, which no Arcadia ever rivalled, or the glorious sea coast scenes of Essex, where the eternal sea beats on the eternal rocks, in chariots drawn by swift and invisible coursers, which the wealth of no Astor or Lawrence could have bought a generation ago. His are the transcendent sweets of domestic life in the security and the glory of our Massachusetts citizenship, and above all, the right, as his eyes gaze on the American flag, to say, “That is the emblem of my country and the symbol of my power.”

If Providence afflict him or his household with insanity or blindness or deafness or idiocy, what a contrast has this

single century witnessed in the dealing of the State with these unfortunate beings. Within living memory the insane man was chained in some wretched out-house, like a wild beast, or, if less dangerous, walked the streets, the mockery of brutal and senseless sport. The ray of intellectual light seldom penetrated the darkened mind of the child who was born blind or deaf. To-day the deaf and dumb learn articulate speech, and often mingle with their fellow beings without their infirmity being detected. A deaf, dumb and blind girl has just won high honors at Radcliffe. The insane is clothed and his humanity respected, even if not in his right mind, and the gentle ministrations of Christian charity awaken the darkened soul of the idiot. The State performs these Christian offices for the poorest as for the wealthiest of her children.

A hundred years ago slavery had been abolished in Massachusetts but twenty years. The slave trade, which had disgraced Boston in the middle of the century before, still lingered in the New England seaports. In 1820 Mr. Webster exclaimed at Plymouth: "It is not fit that the land of the Pilgrims should bear the shame longer. I hear the sound of the hammer, I see the smoke of the furnaces where manacles and fetters are still forged for human limbs. I see the visages of those who by stealth and at midnight labor in this work of hell, foul and dark, as may become the artificers of such instruments of misery and torture. Let that spot be purified, or let it cease to be of New England; let it be purified, or let it be set aside from the Christian world; let it be put out of the circle of human sympathies and human regards, and let civilized man henceforth have no communion with it."

There are doubtless some dark colors in our picture. We cannot look without deepest concern upon the terrible increase of crime, — an increase which seems to be more rapid as the years go by. We attributed this until lately to the coming into our community of men of foreign birth, who had not been educated like us or bred to the self-restraint of freedom, and to the growth of great cities. But we can avail ourselves of no such refuge now. In 1820 Mr. Webster at Plymouth dwelt with pride upon the fact that all New England slept at night in safety with unlocked doors. Fifty years ago it was a maxim accepted everywhere that the crime of murder was impossible of concealment; that, if other means failed, the murderer himself could not bear the weight of his guilty secret; that, as the same great authority said, “There is no escape from confession but suicide, and suicide is confession.” But to-day crimes against human life and against female chastity are committed with impunity by men of the purest Puritan blood in rural communities, and they go undetected and unpunished. When a murder was committed in Dedham, near a hundred years ago, the great orator and statesman, Fisher Ames, said, “Let no man sleep in Dedham this night.” If a murder should be committed, I will not say in Dedham, but in Worcester, to-morrow, the neighbors on the next street would scarcely hear or scarcely heed the news. The spirit of gambling which prevails everywhere, not only among the practised gamblers on the stock exchange, but through brokers is carried on by widows with their little fortunes, tempts the trustee and the treasurer and the bank officer with his humble salary, so that embezzlement, in many

cases followed by no disgrace or public censure, is growing and increasing fearfully throughout Massachusetts.

There is a great unsolved problem which still lowers over us like a dark cloud. It has till lately been a domestic question only. But it is now threatening us with new dangers in the far East. We have, on the whole, met with admirable success in dealing with men of the white race of foreign birth and of other religious faith than that of the Puritans. Fifty-two per cent. of the people of Massachusetts are of foreign birth, or the children of men of foreign birth. They have had and have, as the rest of us have had, their grave faults. But they have borne a noble and useful part in the history of Massachusetts in peace and war. They have advanced since they came here in every quality of good citizenship and with marvellous rapidity. They have been among our best and bravest soldiers, they have built our railroads, their men have taken their share in our public affairs, and their women have been and are valued and useful inmates of our households. They have set us an example of patriotism and of conjugal affection.

But we can tell no such story of our dealing with the Indian or the Negro or the Oriental. Undoubtedly much has been gained. The Negro has come out of slavery. So far as constitutional enactments go, he has all the rights of citizenship. In Massachusetts, I am proud to say, he takes his place as an equal and sometimes as a superior in our universities and colleges and public schools. But still, if you look the country over, the condition of the American Negro is a shame to the American white man. Most of the Indian wars of the last century, bloody

and cruel as they have been, have been the fault of the whites. We are at this moment dealing with the people of an alien race in the far East as we would never for a moment, under precisely the same conditions, deal with men of Anglo-Saxon blood. If reconstruction has been in any degree a failure, if our Indian administration has been brutal or corrupt, if thousands upon thousands of human lives have been needlessly sacrificed in the Philippine Islands, the fault has been almost wholly with the American white man.

I believe the solution of this difficulty is to be found in the Golden Rule and in the great Declaration, which is but the application of the Golden Rule to the conduct of States. If the white man will take these for his guides when he deals with the Negro and the Indian, if America will take these for her rule of action in dealing with weak foreign nations, the difficulties that beset us will disappear. If we do not, as sure as God liveth, however the weaker races may suffer, the penalty will fall upon us. I have an abiding confidence that these clouds which hover over us will disappear. I am no prophet, nor son of a prophet, except as all our fathers were prophets. But I think I know the temper of the American people, and I know that I know the temper of the people of Massachusetts. I have an abiding and absolute conviction that, with knowledge of the truth and the letting in the light, persistence in a wrong to any people or race is wholly impossible to our just and generous countrymen. The light will come to us, if we will but open our eyes to it. If we do not, it will be in our power to keep it out. I sat, in my boyhood, at the feet of a wise old teacher,

who said that "A people is like a man; and, if a man set himself to believe a lie, God punishes him with complete success." I look upon the future of Massachusetts and of the country without fear. The new days and the new century are to be better than the old. This beginning of another age, this headland that our Ship of State is passing, on its stormy voyage, freighted with the destiny of liberty and humanity, is a Cape of Good Hope. Our fathers did not penetrate a position their sons cannot hold. The people that gained the great heights of the great Declaration will not abandon them. Humanity that has risen from out the beast shall not "go back into the beast again."



CHARLES ALLEN

OF WORCESTER

BY

GEORGE F. HOAR.

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CHARLES ALLEN OF WORCESTER.

IF I need any justification for my choice of a subject, or for repeating things which will be very familiar to the elders in my audience, you will permit me to relate an anecdote. A few years ago an inhabitant of Worcester County, very well known and influential in the public life of this Commonwealth, told me that an aged townsman of his had said that the ablest man he ever knew was a former resident of Worcester, of whose character and influence he spoke with very great enthusiasm. But my informant said he could not remember the name. I said, "Was it Charles Allen?" "Yes," was the reply, "I think that was the name."

Our associate, Mr. Rhodes, in his admirable History, mentions Judge Allen in but a single sentence, and that one expressing an emphatic disapproval of one of the important acts of his public life.

To those of us whose memory goes back to the great days of the anti-slavery struggle it seems as surprising to find a man who had never heard of Charles Allen as to find a man who had never heard of his illustrious kinsman Sam Adams. Yet, I suppose that thirty or forty years after the close of a great political career or a great historic period is generally the time when mankind at large know least about it. Memory has begun to fade. Contemporaries are dead or grown old. History is not yet written. The documents and records which are the material for accurate history have not yet come to light.

The life of Charles Allen was in a stormy time. It became his duty to engage in bitter conflicts. After his

lamented death it did not seem desirable to those who had the best right to determine the question that those fires should be rekindled. But the story of Judge Allen's great service to liberty and of the battle in which he was one of the greatest leaders can be told now without causing pain to any one. The men who were conspicuous on both sides have gone, with very few exceptions. The people have paid to them their tribute of love and honor. They know that men who differed widely were faithful to the cause of righteousness as they believed it, and to the interest of the country as they understood it. I have often said that Charles Allen seemed to me, as a mere intellectual force, the ablest man I have known in my day, not even excepting Daniel Webster. He had a slender physical frame and a weak voice. He was not capable of severe or continued labor. He had little personal ambition. It was only under the stimulant of a great cause that he put forth his best powers; and when the pressure of that stimulant ceased, his activity seemed to cease also.

Charles Allen was born in the town of Worcester, Aug. 9th, 1797, just seventy-two years before the day of his burial. He was of the best Puritan stock. His father, Joseph Allen, was a distinguished and public-spirited citizen, clerk of the courts, and a member of Congress in 1810 and 1811. Judge Allen's great-grandfather was Samuel Adams, the father of the illustrious patriot, who manifested in a high degree the intellectual and moral traits for which his descendants were so conspicuous. *The Independent Advertiser* of March 14, 1748, contains the following notice of the elder Samuel Adams:—"Last Week died, and was decently interr'd the Remains of, *Samuel Adams*, Esq.; a Gentleman who sustained many public, Offices among us, and for some Years past represented this town in the General Assembly—He was one who well understood and rightly pursued the Civil and Religious Interests of this People—A true *New England*

man — An honest Patriot — Help, Lord, for such wise and godly men cease, and such faithful members fail from among the Sons of *New England*.” The only son of the famous Samuel Adams died before his father. Joseph Allen, who was often a member of the Legislature, found a home in the household of his illustrious kinsman, to whom he was as a son, and for many years shared his inmost confidence as it was given to no other person whatever. The traditions of Sam Adams were familiar to the family of Joseph Allen. His mental and moral traits; his opinions; his inflexible principles; his ardent and unquenchable love of liberty; his style and mode of speech; his features as they are represented in Copley’s masterpiece in Faneuil Hall, — were reproduced in large degree in the sons of Joseph Allen.¹ Charles Allen entered Yale College in 1811, but was never graduated. He studied law in the office of Samuel M. Burnside. His preparation was a most diligent and faithful study of common law principles in a very few standard authorities, especially Blackstone, in whose style, clear definitions and orderly arrangement he very much delighted, and much of which he could repeat almost verbatim. He was not given to an extensive study of cases. Indeed, in his preparation for arguments at the bar, after a thorough examination of a very few leading cases, he did not care for a study of decisions of the courts, but preferred to mature his arguments in his own mind during his solitary walks into the country, or as he paced backward and forward in his office. But I was told by his brother George that when he was examined for admission to the Bar the examiners were so delighted by the extent of his learning and his prompt and clear solution of the legal problems by which they tested him that they prolonged the examination a good while for their own gratification.

¹ There is a lady living now, the widow of our late Librarian, Mr. Haven, who is of the race of Charles Allen, and at times when her face is lighted up by some emotion, you would think Sam Adams was standing before you.

Mr. Allen's literary training was of a like character. He made himself very familiar with English classic poetry. He read the entire fifty volumes of the old edition of the British Poets. With a few of these he made himself so familiar that he could repeat their best passages. Beyond this he never cared much to extend his reading, except that he made himself familiar with the great historians who have written the annals of constitutional liberty. He had a great fondness for the history of New England. He knew all about the growth of its religious opinions and of the simple Congregational form of church government which is both the cause and the result of so much that is best in the character of our people. With these exceptions, he was not what would be called a scholar. He cared nothing for the trifles either of history or literature. His preparation for the duties of his profession and of life was by profound original thought. He was admitted to the Bar at the age of twenty-one, and began his professional life in New Braintree. In 1824 he returned to Worcester, which was his home for the rest of his life.

From this time until the movement for the annexation of Texas in 1844-5, the career of Charles Allen was that of a leader at the very able Bar of a large county; of an eminent judge; of a man influential in the public life of the community where he lived, and of the Commonwealth. With a single exception, to be mentioned presently, he had taken no part in national affairs. His name was little known beyond the borders of Massachusetts except to such members of his profession as had heard of him from their brethren here. He soon became known as a powerful advocate whose opinions on questions of law were quite sure to be those finally adopted by the court; whom it was almost impossible to dislodge from any position he deliberately occupied; and from whom no antagonist could wrest a verdict of a Worcester County jury in a cause in whose justice he himself believed. There is but one

story preserved by the traditions of the Bar of his making any serious mistake. It is said that, getting an execution for a client for a large debt, which was to be satisfied by a levy on land of a debtor who was deeply insolvent, where he had the first attachment, under his direction a portion of a large tract of land in which the debtor had an undivided interest was set off by metes and bounds, a proceeding which is, as is well known to all good lawyers now, utterly void. The young man discovered his mistake just after it was too late to correct it. He was much distressed and came to Worcester to consult old Major Newton, one of the wisest and safest of our elder lawyers. The Major advised Mr. Allen to say nothing about the mistake, but at once to bring a writ of entry against the owner of the title in the hope that the mistake might not be discovered, and that he might get a judgment or a disclaimer. This was done, and the flaw in the title of the Judge's client was never discovered until he had made it perfect.

He never could get interested in a case in which he did not believe. He had no fondness for exercising his ingenuity in the defence of a cause which did not seem to him just. But when his sympathies were aroused by what he deemed an attempt to practise an injustice upon his client, he was, I believe, as formidable an antagonist as ever tried a case in a Massachusetts court-house. His cross-examination was terrible. It dragged a lying witness out of all concealments or subterfuges and seemed to lay bare the very depths of his soul. His style was a model of nervous, compact, vigorous English, rising sometimes to a very lofty eloquence. He had a gift of sarcasm which he indulged sometimes when it would have been better to restrain it, and inflicted an undeserved sting upon amiable and sensitive men. His ordinary manner in the trial of a cause was quiet. He remained silent while the evidence was going in, except in the most important parts of the

case, and even a very able lawyer might try a case against him which did not excite special interest on the part of Mr. Allen, without discovering his great power.

His quality as an advocate is well described by a most competent and accomplished observer, the late Dwight Foster, as follows:—"He never called any man his intellectual master. Though the ordinary methods of legal investigation were distasteful to him, yet he was fond of communing with his own mind in silent and profound thought. His preparation in the use of books was usually slight, but he never failed to give abundant reflection to every important matter intrusted to his professional care.

"Accordingly, he entered upon the trial of a case thoroughly prepared and equipped in his own peculiar way. His mental processes were exceedingly rapid and his intuitive judgment wonderfully correct. He was the wisest counsellor I ever called to my aid.

"In the crisis of a trial he never faltered or quailed. If his manner grew a little more quiet, his face a little paler, and a dangerous light was emitted from his eyes, his adversary had better beware, for he was sure to prove himself a tremendous antagonist. His cross-examinations were sometimes terrific. When roused he would pour forth a torrent of sarcasm and invective that like a lava flood scorched and burned everything over which it flowed. He could be eloquent upon worthy occasions. He had no cheap rhetoric for ordinary use. His legal discussions usually began with conceded elementary principles, on which as a foundation he would erect a superstructure of close and cogent argumentation. It was his custom to show what the law ought to be and in the nature of the case must be, paying comparatively little attention to what it had been on some former occasion decided to be."

When I came to the Bar in 1849, the young lawyers used to beguile the time at their meetings with anecdotes of the sharp retorts, the readiness in difficult places in a trial, and

the wonderful skill in cross-examination of Charles Allen. Most of them are forgotten now. Judge Allen represented Worcester in the Massachusetts House of Representatives in 1829, 1833, 1834 and 1840. He was a member of the State Senate in 1835, 1836 and 1837. When in the House of Representatives he was one of the most influential persons in procuring the state aid for the Western Railroad, a measure to which the commercial and manufacturing prosperity of Massachusetts, and especially of the City of Worcester, have been so largely due.

Judge Allen was upon the committee to count the vote for Governor after the election of 1839. The Legislature contained a majority of Whigs, as of course did the committee who counted the votes for Governor and Lieutenant-Governor. The count resulted, according to the first enumeration by the committee, and according to their report, in showing that no person had a majority, the result of which would have been that the election would have been made by the Legislature, and Mr. Everett, the Whig candidate, would have been chosen. But it came to the knowledge of Judge Allen that an error had been made, the correction of which would show that Gov. Morton was chosen by a majority of one vote. The Judge, himself a Whig, announced this discovery to the House. The mistake was corrected and Gov. Morton declared elected.

Mr. Allen was appointed judge of the old Court of Common Pleas in 1842. This court consisted in his time of John M. Williams, Chief Justice, Charles H. Warren, Charles Allen and Solomon Strong. Probably no state in the Union at that time possessed a Supreme Court of greater ability than this, the second court in rank in Massachusetts. Chief Justice Williams was a model of the judicial character; Warren was not only a very learned and sound lawyer, but distinguished for his brilliant wit and eminent social quality. When the Democratic party

came into power in 1843 it sought to gain popular favor by a reduction of the salaries of the Supreme Judicial Court, a measure clearly opposed to the letter of the Constitution, and by a reduction of the salaries of the Court of Common Pleas, a measure equally opposed to its spirit and to all sound policy. On the return of the Whigs to power the next year, the salary of the Supreme Court was restored to its former scale, and the sum which had been unconstitutionally withheld during the year, paid. But the Whig party, desiring to get some favor from men of frugal mind, omitted to restore the salaries of the judges of the Court of Common Pleas to the old standard. Thereupon, in 1844, the members of that court, including Judge Allen, resigned, much to the public regret. During Mr. Allen's term of office the celebrated Wyman trial, in which Mr. Webster, Mr. Choate and Franklin Dexter were employed for the defence, was tried three times. One of the trials was before Judge Allen. At this trial occurred the celebrated conflict between Judge Allen and Mr. Webster. The story is variously related, even by persons who were present on the occasion. The commonly accepted version, and one which is doubtless in substance correct, is that Mr. Webster was quite uneasy under the powerful and luminous charge of the Judge, and rose once or twice to call the Judge's attention to what he supposed to be a mistake of fact or law. After one or two interruptions of this sort, Mr. Webster rising again, the Judge said, "Mr. Webster, I cannot suffer myself to be interrupted now." To which Mr. Webster replied, "I cannot suffer my client's case to be misrepresented." To which the Judge replied, "Sit down, sir." The charge proceeded without further interruption, and the jury were sent to their room. Mr. Allen then turned to Mr. Webster and said, "Mr. Webster"— Whereupon Mr. Webster rose with all the grace and courtesy of manner of which, when he chose, he was master, and said, "Will your honor pardon me a

moment," and proceeded to make a handsome apology and expression of regret for the occurrence. The occurrence was deemed by the profession greatly to the credit of both these eminent persons. Mr. Allen returned to the practice of the law, and continued to support himself by his profession, except so far as he was interrupted by his public and political occupations, until he was appointed Chief Justice of the Superior Court of the County of Suffolk by Gov. Banks, in 1858, and soon after, in the following year, was appointed Chief Justice of the Superior Court of the Commonwealth. He had been, in the interval, offered a place upon the bench of the Supreme Court, which he had declined. On the retirement of Chief Justice Shaw, in 1860, he was offered by Governor Banks the position of Chief Justice of the Supreme Court of Massachusetts. This he was compelled to decline by reason of his slender health and his incapacity for the continuous and severe labor which the duties of the judges of that court require. This fact is stated by Gov. Banks in his farewell address.

Judge Allen said to the late Judge Foster:—"At my age and in my state of health it is not to be thought of. It might have been different once, yet few know how much physical weakness I have had to contend with through life, and how much has been attributed to indolence in me which was caused by the necessity of nursing my health."

Mr. Allen held the office of Chief Justice of the Superior Court until the infirmities of old age came upon him. But there were a few terms of the court where, in summing up to the jury the evidence upon the facts, he repeated himself in a manner that showed the impairment of his faculties; but even then his statement of the legal principles applicable to the case showed his accustomed clearness, vigor and soundness of judgment.

While he was Judge of the Court of Common Pleas he

presided at several trials of great importance. In the Wyman trial already referred to, his charge won the commendation of the able members of the Bar who listened to it, including Mr. Webster himself, for its great ability. The charge of the Judge was universally conceded to be not a whit behind the argument of Webster in grasp and completeness. He also presided in a cause which was tried at Dedham, growing out of the Dorr Rebellion, in which Rufus Choate and Mr. Whipple of Rhode Island were the principal counsel. Some very intricate questions arose in the case, and the Judge's rulings were watched with great care. When one of them was made, the venerable Judge Putnam, who was present as a spectator, shook his head in dissent; but at the recess went to the Judge and told him he was right. Chief Justice Spencer of New York, who read the report of the trial, wrote to the Judge an approving and complimentary letter.

During Judge Allen's service as Chief Justice of the Superior Court, a fugitive slave who had made his escape from a New Orleans vessel, was pursued by the master of the vessel and seized just as he was landing, and taken back to slavery. The indignation of the people was deeply stirred. The captain of the vessel was arrested subsequently and brought to trial before Judge Allen. A question, then not very well settled, arose as to whether the act was committed within the jurisdiction of the Commonwealth. The people heard with great satisfaction that the kidnapper was to be brought to trial before a court presided over by the great abolitionist. But the Judge held the scales with absolute impartiality. He taught the whole people of the country that even a slave-catcher could not fail in his reliance on the justice of Massachusetts; and that her indignation against what she deemed the worst of outrages, the kidnapping of a human being, could not swerve her from her obedience to law. The man was acquitted, by reason of the ruling of the Court

that the offence was not committed within the body of the county.

Judge Allen's influence over men seemed, like that of Alexander Hamilton, to be greater in proportion to the ability of the man with whom he dealt. Great as was his power over juries and over popular assemblies, it was greater over judges and courts. He was an admirable negotiator. The extent of his service in the negotiation of the Ashburton Treaty of 1842 will never be fully known. It rests only on tradition and on the weighty evidence of Mr. Webster. There was probably never a subject in regard to which the national feeling of the American people was more deeply excited than the controversy with Great Britain concerning our northeastern boundary. In 1842 the feeling engendered by the War of the Revolution and the War of 1812 had not grown cold. Great Britain was regarded as our natural and hereditary foe. The tone of her press, the utterances of her public men and the criticism of her literary journals tended to stimulate and exasperate this feeling. The lessons of two wars had not taught her to treat us with respect. The contempt which, the Spanish proverb says, pierces the shell of the tortoise, she poured out abundantly upon nerves always unduly sensitive to the opinion of other nations. The territory which was in dispute belonged wholly to Massachusetts until the separation of Maine in 1820, and consisted very largely of unsettled lands which had been divided between Massachusetts and Maine, and were still largely owned by the former state, subject to the local jurisdiction of Maine. Every effort to settle this controversy, which had been the subject of negotiation almost ever since the peace of 1783, had but increased the difficulties with which it was beset, by exhausting the expedients both of diplomacy and arbitration. Mr. Webster undertook the settlement of this question, with others which had caused great irritation in the two coun-

tries, and probably regarded its solution as, with scarcely an exception, the most important public service of his life. The difficulty of the negotiation was increased by the fact that any treaty which should be made would require the assent of a two-thirds majority of the Senate. So that the political opponents of the administration must be willing, for patriotic reasons, to abandon the temptation of assailing it with the charge of having unduly surrendered the rights of this country to its ancient and hated rival, if the treaty contained anything of concession or compromise. It was quite clear that no treaty could pass the Senate without the consent of Maine and Massachusetts. The former state was politically opposed to Mr. Webster. His first step was to invite the co-operation of the two states immediately concerned, to request them to appoint agents to take part in the negotiation and to assure them "that no line of boundary should be agreed to without their consent, and without their consent, also, to all the conditions and stipulations of the treaty respecting the boundary." To this the two states agreed. But they further stipulated that their consent should only be given in case the agents of both states were unanimous. Maine appointed as commissioners Edward Kavanagh, Edward Kent, William P. Preble and John Otis. Massachusetts appointed Abbott Lawrence, John Mills and Charles Allen.

It is well known that to Judge Allen's influence was very largely due the success of the treaty. He went carefully over the matter with Gen. Scott. He gave the most thorough study to the whole question, especially to the matter of the military strength of the frontier as it would be left by the compromise line which was adopted. He became satisfied that whatever might be the title of Massachusetts to the lands held by Great Britain under the treaty, or whatever the right of the United States to hold them as against Great Britain, that the country and the state obtained far more than an equivalent, and that it was

especially for the interest of Massachusetts as a great commercial state that this irritating question should be forever put at rest and that our peaceful intercourse with Great Britain should be uninterrupted. It was well understood at the time that to Judge Allen's great influence was largely due the unanimous action of his associates, the commissioners of the two states. Mr. Webster himself bore the strongest testimony to this fact. Besides other instances of it, he met Judge Allen's brother, the Rev. George Allen, a short time after the treaty had been ratified, and spoke of his great obligation to his brother, and added, with great emphasis, "Your brother is a great arranger of men."

The portion of Mr. Allen's public life upon which his title to the gratitude of his countrymen chiefly rests began with the movement for the annexation of Texas, during the presidency of John Tyler. The avowed and the direct object of this annexation was to prevent the abolition of slavery in the vast territory of Texas itself, which would else become free. The ultimate object was to give the control of the government to the South; to make slave states of the territory between the Mississippi and the Pacific, to impress indelibly upon the United States the character which Macaulay attributed to her in 1845:—"That nation is the champion and upholder of slavery. They seek to extend slavery with more energy than was ever exerted by any other nation to diffuse civilization."

Up to this time Mr. Allen had been content with the duties which came to him as a leading member of his profession and a leading citizen of this important community. He was fond of social and family life. His profession, in which he was easily the leader in Worcester County, gave him an income sufficient to support his family and indulge his frugal tastes. The highest places on the bench of his state were open to him. But the kinsman of Sam Adams could not be indifferent

to the momentous issues which were at stake in the coming conflict with the slave power. Mr. Allen issued a call for a convention in Worcester County in the autumn of 1844. This was followed by the state convention called under the advice of Mr. Webster, held at Faneuil Hall, on the 29th day of January, 1845.

The annexation of Texas and the war with Mexico are wonderful examples among those so numerous in our history where the God who is on the side of Freedom has graciously turned the evil purposes of men to the accomplishment of his will. During the period which followed the administration of Andrew Jackson the statesmen of the South became alarmed for the power which that section had wielded in the government, with the brief exception of the administration of John Adams and that of his son, from the beginning. It had been an unequal contest between the great skill as politicians of the Southerners and the strength and progress which free institutions had brought to the North. Mr. Calhoun and his associates proposed to turn the scale in favor of the South by the addition of Texas. Some of them doubtless contemplated even at that day the disruption of the Union and a slaveholding empire whose northern boundary should be Mason and Dixon's line, which should extend from the Atlantic to the Pacific, should include Cuba and a large portion, if not the whole, of the territory of Mexico. Mr. Van Buren, who had never failed before in subserviency to the slave power, refused to become a party to the plan. John Tyler, who had been placed upon the ticket with General Harrison to conciliate the friends of Mr. Clay in Virginia, was thoroughly devoted to this scheme for strengthening and extending slavery.

Texas declared her independence during the presidency of Andrew Jackson. In the last Congress of President Jackson's administration an appropriation was made and authority given to enable him to establish diplomatic rela-

tions with Texas when, in his judgment, the proper time had come. This measure was supported by representatives of both parties and both sections, including Mr. Webster. President Jackson, with what to many people seemed undue haste, instantly acted upon the authority and recognized the independence of Texas. This recognition was followed by an overture from Texas for admission to the Union during the administration of Mr. Van Buren. Mr. Van Buren rejected the overture, in which he was supported by Mr. Benton and other leading Southern Democrats. But Van Buren forever forfeited the confidence of the mass of the slaveholders thereby. Mr. Webster, in his great speech at Niblo's Garden, early in the year 1837, took very strong ground against the admission of Texas, claiming that the admission of a foreign state to our Union was not within the constitutional power of the government; and, further, that while he proposed to sustain to their fullest extent the existing constitutional provisions which favored slavery, he would not submit to extending them beyond the original territory of the Union and thereby disturbing the relations of the different parts of the country to each other. The opposition of the Democratic president and the great Whig statesman seemed for a time to put an end to the project. Texas withdrew her offer and seemed to be intent on establishing herself as a separate nation. The question was scarcely heard of in the great campaign of 1840. But the death of General Harrison brought John Tyler into the chair and gave the slave power its opportunity. When President Tyler abandoned the fiscal policy of his party the members of his cabinet resigned, except Mr. Webster, who remained until the Ashburton Treaty with Great Britain was completed. But, while his friendly relations with President Tyler were unbroken, Mr. Webster was made to feel in many ways that his presence at the council table was unwelcome. He accordingly resigned

his seat in the cabinet and was succeeded, first by Mr. Grimke, then by Mr. Upshur, who, soon after, gave place to Mr. Calhoun. The project of Texas annexation was thereafter vigorously pressed to its consummation. Mr. Calhoun negotiated the treaty with Texas, providing for its coming as a state into the Union, which was rejected by the Senate, for want of the two-thirds vote required by the Constitution. The issue was presented to the people of the United States in the presidential campaign of 1844, and was decided by the election of James K. Polk. Mr. Clay, although opposed to the annexation of Texas under the circumstances then existing, tried to conciliate the slaveholders by a statement that, under some circumstances, he should have personally no objection to the measure. He failed to gain any Southern friends of Texas, and lost the confidence of many anti-slavery men at the North, whose vote, given to James G. Birney, cost Mr. Clay the State of New York, and with it the election.

At the short session of 1844-5, at the close of President Tyler's administration, and after the election of Mr. Polk, a joint resolution was adopted, giving the consent of Congress to the erection of a new state from the territory of Texas, on certain conditions therein set forth, in order that the same might be admitted into the Union; and to the admission of such state whenever the time and conditions of such admission and of the cession to the United States of the remaining territory of Texas should be agreed upon by the two governments.

Texas complied with the conditions in the interval, and Congress passed a joint resolution in December, 1845, declaring the conditions complied with and formally admitting Texas as a state. After the passage of the first resolution above-named a division grew up in the Whig party between those persons who desired to resist the admission of Texas to the end, and who claimed that this action of Congress could and ought to be repealed; and

those who, either because they considered further agitation useless, or because they thought that the business interests of the North required the subject to be dropped, or because the gratification of their personal ambitions seemed to them dependent upon Southern favor, were for treating the question as settled. This latter class contained some of the best and wisest of the Whig statesmen of Massachusetts, who dreaded and deprecated the formation upon this issue of a sectional party, and who thought the best means of resisting the further aggression of slavery was to retain their political association with the Whigs of the South. Conspicuous among these were Mr. Winthrop, Mr. Edward Everett, Governor Lincoln and Mr. Abbott Lawrence, to neither of whom will any man, whatever may have been the judgment of contemporary passion, now impute any lack of patriotism or want of sincerity in his resistance to the annexation of Texas. The two divisions of the Whig party in Massachusetts were called by names suggested by Mr. E. R. Hoar in a speech in the Massachusetts Senate: "Conscience Whigs" and "Cotton Whigs." Judge Allen threw himself into the contest with all his might, and was, from that time until he took his seat upon the bench in 1858, deemed by a large portion of the men who were of his way of thinking their wisest, bravest and ablest leader.

Mr. Webster was, for a time, expected to unite with the Conscience Whigs. He had either originally suggested, or at any rate earnestly united in the call for a convention of the people of Massachusetts, to be held in Faneuil Hall on the 29th of January, 1845, to express her unconquerable repugnance to the admission of Texas. He seemed to be inspired with a purpose to resist to the end, with all his might, the annexation of Texas, which he regarded as a violation of the Constitution and as designed to secure the perpetual supremacy of the slaveholding interest in this country. He undertook to prepare for the convention an address to the people of Massachusetts. He met

Charles Allen and Stephen C. Phillips at his office, I think, on Sunday, the 26th day of January. I have heard Judge Allen himself relate the story, but I will not be absolutely certain as to the day. He walked backward and forward in his office dictating to them the portion of the pamphlet containing the constitutional argument which terminates at paragraph second on the tenth page. "It affirms to you," to quote Mr. Webster's own language, "that there is no constitutional power in any branch of the government, or in all the branches of the government, to annex a foreign state to this Union." It will require no external testimony to convince any man who reads them that these pages are the work of Mr. Webster. Judge Allen and Mr. Phillips alternately used the pen, while Mr. Webster dictated. When this branch of the argument was completed Mr. Webster looked at his watch, said it was time to go to dinner, and made an appointment for them to continue their work at the same place at a fixed hour the next day. The next day Mr. Webster did not appear and nothing was heard of him. Mr. Allen and Mr. Phillips waited until late in the afternoon when they were informed, to their dismay, that Mr. Webster had taken a train for New York,—the train then left Boston at half-past five in the afternoon, connecting with the Norwich boat. Judge Allen was compelled to finish the address himself, to have it ready for the convention on Wednesday. The part composed by him begins at the place above indicated on page ten, and constitutes the rest of the pamphlet. It is praise enough, but not too much, to say of the work of Judge Allen that it is entirely worthy of its companionship, and that a casual reader, not informed of the history of the production, would not be likely to discover that the address was not the work of a single hand.

It is said that on that Monday a large pecuniary contribution for Mr. Webster was raised among the business men of Boston. Judge Allen believed that the indication

of the strength of the sentiment among this class of persons of unwillingness that there should be further agitation of the Texas question and further disturbance of harmonious relations between the North and the South caused this sudden change of purpose in the mind of Mr. Webster.

I do not for a moment mean to imply that Mr. Webster could be corrupted by money. I am satisfied, from a most careful and conscientious study, extending over many years, of his great career, that he was actuated by the loftiest patriotism in the action in his last years which, in common with so many of his countrymen, I disapproved at the time and disapprove now.

I do not know what caused his sudden change of purpose in those two days. But I conjecture that there came to his knowledge in the interval the fact that so many of his life-long friends and supporters among the business men of Boston were against further resistance to the annexation of Texas, and he concluded that resistance was hopeless and that it was not worth while to butt his head against a wall, by mere ineffective and barren remonstrance.

It would have been vastly better if Mr. Webster had absolutely refused such pecuniary contributions while he was in public life. His callousness upon that subject, as was his indifference to debt, and his profuseness of personal expenditure, was a blot on his otherwise illustrious character. But we may say this and at the same time acquit him of the supreme and unpardonable infamy of corruption. Mr. Webster's fame is among the great treasures of the Republic. Let him be judged by his whole career, and not alone by what may seem his errors of judgment in one supreme, anxious and dangerous time.

It is undoubtedly true that Mr. Webster, by his failure to attend the Anti-Texas Convention on the following Wednesday, or to express any further his sympathy with the sentiment which was so deeply felt by the anti-slavery people of Massachusetts, did much to weaken his hold on

their affection and confidence. When, at the Free Soil Convention at Worcester, in 1848, one of the resolutions called upon Daniel Webster, in the name of Massachusetts, to take the action in behalf of freedom in the territories "to which his great heart and mind should lead him," it was received by numerous shouts of "No, no," and its passage was secured with great difficulty. Mr. Allen's cordial relations with Mr. Webster were never renewed.

From the time of the consummation of the annexation of Texas it was apparent to all thoughtful men that it was the purpose of the slave power to occupy all that remained of the territory of the United States, together with what might be wrested from Mexico, and to wrest the Island of Cuba from Spain, and to bring all this territory into the Union of the States when the time should come. To apprise the people of the North of this purpose, to resist it and to defeat it, became thenceforth the paramount object of the political life of Charles Allen and of the men who sympathized with him. The Whig party of the North professed to be opposed to the extension of slavery. It was committed to that policy by the resolutions of its conventions, both state and local, in nearly all the Northern States. But many of its leaders were dependent on Southern favor for the gratification of their ambition in the future. Large numbers of Whigs, especially those engaged in manufactures and in mercantile pursuits, considered that the prosperity of the North in its business depended on maintaining undisturbed relations with the South. In addition to all this, there were large portions of the North, including southern Ohio, Indiana, Illinois, large portions of Pennsylvania and of New Jersey, where the Negro was held in little higher estimation than at the South, and where he was believed, to quote a phrase which afterward became a proverb, "to have no rights which the white man was bound to respect." The party spirit, too, led zealous Whig politicians to be unwilling to insist upon

a doctrine which must necessarily split the party in twain at Mason and Dixon's line. There were others who were conscientious in their disapprobation of slavery and who were unwilling that it should be extended, but who thought that Northern opposition only served to inflame Southern aggression, which, if the discussion of the question should be dismissed from politics for a time, would die out of itself. And to this number were added all the conservative, timid, quiet and amiable persons who disliked nothing so much as strife or agitation. Mr. Allen, however, found a good many associates and friends, many of whom afterward became distinguished in politics or letters. Each of them was a man who was competent to be the leader of a great cause.

The division in the Whig party, which began after the annexation of Texas, was widened by the differences growing out of the war with Mexico. This was disapproved by the Whigs of Massachusetts with scarcely an exception. But there was a very great difference in the degree and manner of their disapproval. Many of them were exceedingly unwilling to take a position in regard to that war, which was popular throughout the country, which would bring upon them the fate which attended the position of the Federalists of 1812.

The measure providing supplies for the army in Mexico which had passed Congress had the preamble: "Whereas war exists by the act of Mexico." Against this preamble fourteen Whigs voted. But others, including Mr. Winthrop of Massachusetts, voted for the preamble, in order not to be put in the attitude of objecting to the supplies. For this they were bitterly denounced, and the division between them and the Conscience Whigs was intensified. Dr. Palfrey, the Whig representative in Congress from the Middlesex District, refused, in the next Congress, to vote for Mr. Winthrop, the Whig candidate for Speaker; and a band of Conscience Whigs voted against Mr. Winthrop

when he was chosen Representative from the Boston District. They first nominated Charles Sumner as Mr. Winthrop's opponent. Mr. Sumner declined, and Dr. Samuel G. Howe was nominated in his place. Some of the Whigs, including Mr. Webster and Senator Roger S. Baldwin of Connecticut, resisted the treaty at the close of the Mexican War, foreseeing that the strife between Freedom and Slavery for the territory which it acquired from Mexico would lead to disruption of the Whig party and to a sectional strife throughout the country.

The question whether a great public evil should be corrected by the old English and American process of action by political parties, or by an action which should be not only independent of party obligations, but of the primal obligation of citizenship to obey the will of the country as expressed by its majority, until that majority could be persuaded to change, presented itself to the men who acted under the lead of Charles Allen and Charles Sumner. They rejected Mr. Garrison's solution of that question and accepted Mr. Allen's. The result is full of instruction.

Mr. Garrison and his followers declared the Constitution a "covenant with death and a league with hell," and the country an instrument of oppression, and refused to have any connection with either. Mr. Allen and Mr. Sumner, on the other hand, said: "We will use the powers of the Constitution to correct the mistakes of the Constitution. We will appeal to the people who made the Constitution, and to the Country which is behind the Constitution. Notwithstanding the present attitude of the majority, we will place the Country and the Constitution on the side of Freedom." What was the result? Garrison and Phillips attacked the Republican party as severely and as bitterly as they had attacked the slaveholders. In thirty years of agitation they had made no progress whatever. They began in 1830. The period from 1830 to 1850 witnessed a series of victories for slavery. In 1858 Wendell

Phillips describes England, whose conduct in 1834 in abolishing slavery in the West Indies had inspired him with so much enthusiasm, as having a pro-slavery government, and as ready to reëstablish the slave trade. He declares that we are about to admit Kansas as a slave State, to seize Cuba and what remains of Mexico; that the slave-master may travel through the North with his slave without setting him free. He denounces the judges and the churches alike as given over to the domination of slavery. He says that, when he dies, he hopes some one will give him a piece of marble large enough to write on it—"Infidel" at the top and "Traitor" at the bottom.

Now, what was done by the politician? Some of us met at Worcester, Massachusetts, on the 28th of June, 1848, to found a new party, devoted to arresting the future encroachments of the slave power, and to secure the freedom of the vast territory between the Mississippi and the Pacific. At Buffalo, in the same year, that party nominated its candidate for President. In that year it did not command a single vote in the electoral colleges and chose but three members of Congress. But it increased rapidly in numbers and political power. In eight years it carried a majority of the free states. In twelve years it elected its President and had a majority in both Houses of Congress. In sixteen years it had abolished slavery and had put down the Rebellion; and in twenty years it had adopted the three great amendments to the Constitution which made every slave a freeman, every freeman a citizen, and every citizen a voter.

The life of John Quincy Adams was drawing to a close. No man questioned the sincerity of Mr. Adams's hatred of the slave power. He hated slavery for its own sake, and there was no man more certain to return the hatred which the slave power felt toward him. But he earnestly desired the extension of our territory to the Pacific, and was quite willing to take the risks of conflict between freedom and

slavery for its possession. With the exception of Mr. Adams, the anti-slavery men among the Whig leaders were opposed to the acquisition of territory from Mexico. And some others, who were ready for any compromise, deprecated the new acquisition as one to be fruitful of a strife which would endanger the national existence itself. But all opposition was without avail. The treaty of Guadalupe Hidalgo was agreed upon by the representatives of the two governments and ratified by the Senate of the United States. Under it we acquired a vast territory of nearly 50,000 square miles. From this time the division in the Whig party became irreconcilable. The Conscience Whigs attended the conventions of their party, secured the adoption of resolutions, both in those conventions and by the Legislature, committing the party to legislation to prevent the extension of slavery into the territories, and found organs among the Whig press. The party was not broken until the nomination of Gen. Taylor in 1848. Though very much dissatisfied with Mr. Webster, probably the bulk of those who left the Whig party would have supported him if he had been the Whig candidate for the presidency. But the choice of Gen. Taylor, a Southerner and a large slaveholder, whose fame rested wholly on his achievements in a war undertaken for the extension of slavery, without any pledge or assurance of his own opposition to it, and, after letters written by him assured the South that it could depend upon him, made further support of the Whig party impossible to these men. The convention was called at Worcester on the 28th of June, 1848, where, for the first time, was inaugurated a party for the sole object of resisting the extension of slavery. The Liberty party, which had cast a few votes in the presidential election of 1840, and which, in 1844, had turned the scale in New York, and so in the nation, against Mr. Clay, was willing to support the candidates of other parties who were personally unexceptionable to them in this respect. But the

Free Soil party, of which the present Republican party is but the continuation under a change of name, determined that no person could receive its support for any national office who, himself, continued his association with either of the old political organizations.

Charles Allen was chosen a delegate from the Worcester District to the Whig National Convention which met at Philadelphia, June 7th, 1848. It became manifest, as the time for holding that convention approached, that it was the plan of a large portion of the Whig party to make no declaration of a purpose to oppose the extension of slavery into the territories, and to nominate a candidate who should be uncommitted upon that subject, and who might be represented to the South as holding one opinion and to the North as holding another. While Mr. Webster's course had not been wholly satisfactory to the opponents of the extension of slavery, and while he had seemed to lack zeal in resisting the final consummation of the annexation of Texas, yet his opposition to the extension of slavery had been many times earnestly and emphatically expressed. He would, doubtless, have received the united support of the Whig party at the North if he had been nominated. The Southern Whigs found their candidate in Zachary Taylor. His simple, manly and picturesque character had gained a strong hold on the popular heart. There were many Whigs, even in Massachusetts, who were uneasy under the somewhat dictatorial and imperious manner of Mr. Webster, and who did not expect to find much opportunity for the gratification of their own ambitions under an administration where he should control. Above all, it was supposed that the popular enthusiasm for a successful soldier would be as powerful in the case of Taylor as it had been in the case of Andrew Jackson. Mr. Webster, whatever may have been the respect in which he was held by the great mass of the people, seems never to have been popular with the class of men who are

found in nominating conventions. The result was that Gen. Taylor received the nomination of the convention on the fourth ballot by a majority of more than sixty. A resolution was then introduced declaring that Congress had the power, and that it was its duty, to prevent the introduction and existence of slavery in any territory then possessed, or which might thereafter be acquired. This resolution was laid on the table amid a storm of derision. It was, however, hoped to conciliate Massachusetts by the nomination of Abbott Lawrence, who had been an earnest supporter of Gen. Taylor, and was understood to be on unfriendly terms with Mr. Webster, for the Vice-Presidency. A gentleman then rose, of slender figure and voice, who was unknown to the great majority of the convention, and who, till that time, had taken little part in its proceedings. It was Charles Allen of Massachusetts. He declared that the discipline of the South had again prevailed; that the terms of union between the Whigs of the North and the Whigs of the South were the perpetual surrender by the former of the high places and powers of the Government to their Southern Confederates. "To these terms the Free States will no longer submit. The Whig party is here and this day dissolved. You have put one ounce too much on the strong back of Northern endurance. You have even presumed that the State which led in the first revolution for liberty will now desert that cause for the miserable boon of the Vice-Presidency. Sir, Massachusetts spurns the bribe." Mr. Allen's speech was received with a storm of indignation and derision. The Whig party, which had just nominated a successful general and which looked forward to an assured victory in the coming campaign, never appeared, to an unthinking observer, so conscious of its strength and so certain of a long lease of power as at that moment. It was about to elect its candidate for the Presidency at the slight price of silence on the great question of human liberty. Mr.

Allen's utterance seemed, to most men, like the raving of a fanatic. But in the next presidential election the Whig party, this great historic party, found itself able to command a majority in but four states. Four years from the time of Mr. Allen's utterance, Daniel Webster, as he lay dying at Marshfield, said to the friend who was making his will, "The Whig candidate will obtain but one or two states; and it is well; as a national party the Whigs are ended."

Mr. Allen came back to Massachusetts to appeal to the people of Worcester, and to lay in this city the foundation of the great party which came into power in 1861, and whose thirty years of power constitute the most brilliant and important period in all legislative history. The number of voters to whom he could appeal for support with confidence was not very large in the beginning. But there were men in all parts of the Commonwealth with whom he had been in the habit of taking counsel since the division in the Whig party had grown up, and who came promptly to his side. The Free Soil party of Massachusetts cast, in the presidential election of 1848, about thirty-seven thousand votes. But it included among its supporters almost every man in the Commonwealth old enough to take part in politics who has since acquired any considerable national reputation. Charles Sumner, who had become known to the public as an orator and scholar by three or four brilliant orations, was just at the threshold of his great career. Charles Francis Adams, who had served with distinction in each branch of the State Legislature, brought to the cause his inflexible courage, his calm judgment, and the inspiration of his historic name. John A. Andrew, then a young lawyer in Boston, afterward to become illustrious as the greatest war governor in the Union, devoted to the cause an eloquence stimulant and inspiring as a sermon of Paul. John G. Palfrey, then a Whig member of Congress from the

Middlesex District, discussed the great issue in speeches singularly adapted to reach the understanding and gratify the taste of the people of Massachusetts, and in a series of essays whose vigor and compactness Junius might have envied, and with a moral power which Junius could never have reached. Anson Burlingame, afterward minister to China and envoy from China to the civilized nations of the world, then in early youth, inspired his hearers with his lofty trumpet-call. Samuel G. Howe, famous in both hemispheres by his knightly service in the cause of Greek independence, famous also by his philanthropic work in behalf of the insane and the blind, brought his great influence to the new party. Henry Wilson, a mechanic, whose early training had been that of the shoemaker's shop, but who understood the path by which to reach the conscience and understanding of the workingmen of Massachusetts better than any other man, had been also a delegate to the convention at Philadelphia, and had united with Judge Allen in denunciation of its surrender of liberty. Stephen C. Phillips, a highly respected merchant of Salem, and formerly a Whig representative from the Essex District, gave the weight of his influence in the same direction. Samuel Hoar, who had been driven from South Carolina when he attempted to argue the case for the imprisoned colored seamen of Massachusetts before the courts of the United States, one of the most distinguished lawyers of the Massachusetts Bar, whom Chief-Justice Shaw declared, at a gathering of the Essex Bar, the most powerful advocate before juries in Massachusetts, came from his retirement in his old age to give his service in the same cause. He headed the call for the first Free Soil convention, held at Worcester on the 28th of June, which was prepared by his son, E. R. Hoar, afterward Judge of the Supreme Court of Massachusetts and Attorney-General of the United States, and member of the Joint High Commission which framed the Treaty

of Washington. Richard H. Dana, master of an exquisite English style, an advocate who used to encounter Rufus Choate on equal terms, threw himself into the cause with all the ardor of his soul. On the Connecticut River, George Ashmun, the most powerful of the Whig champions in Western Massachusetts, found more than his match in Erastus Hopkins.

William Claflin, afterward Speaker, Lieutenant-Governor and Governor in Massachusetts, member of the National House of Representatives, and chairman of the Republican National Committee, was then in early youth. But he had already gained a competent fortune by his business sagacity. He brought to the cause his sound judgment, his warm and affectionate heart and his liberal hand. He was then, as he has ever since been, identified with every good and generous cause. His staunch friendship was then, as it has ever since been, the delight and comfort of the champions of Freedom in strife and obloquy.

Each of these men would have been amply fitted in all respects for the leader of a great party in state or nation. Each of them could have defended any cause in which he was a believer, by whatever champion assailed. They had also their allies and associates among the representatives of the press. Among these were Joseph T. Buckingham of the *Boston Courier*, then the head of the editorial fraternity in Massachusetts; John Milton Earle, the veteran editor of the *Worcester Spy*; William S. Robinson, afterward so widely known as "Warrington," whose wit and keen logic will cause his name to be long preserved among the classics of American literature.

Besides these more conspicuous leaders, there was to be found in almost every town and village in Massachusetts some man eminent among his neighbors for purity of life, for philanthropy and for large intelligence, who was ready to join the new party. The glowing hopes and dreams

and aspirations of youth were inspirited by the muse of Whittier and Longfellow and Lowell and Bryant. The cause of free labor appealed to the strongest sympathies of the mechanics of Essex and the skilled laborers of Worcester :—

Bliss was it in that dawn to be alive ;
But to be young was Heaven.

A meeting was called to hear Judge Allen's report at the City Hall in Worcester. There was doubt as to his reception, and it was predicted that he could not gain an audience. Some difficulty was experienced in finding any man of prominence to preside ; but this office was undertaken by Albert Tolman, one of the most respected mechanics of the city. The hall was thronged long before Judge Allen came upon the platform. Many persons were unable to get admission. From the beginning to the end Judge Allen had the sympathy of the vast audience. The Judge declared that he had been charged by his constituents to vote for a person as candidate for President who should be in favor of preserving the territories of the United States from the stain of slavery. That the convention which sent him to Philadelphia well knew his sentiments, and would have sent some other man as their delegate if they intended to put forth principles upon which they did not mean to stand and abide. He sketched the history of slavery in the country ; the manner in which it had extended and grown strong. He showed that the Whigs of the North were pledged against its further extension. He showed that Gen. Taylor had declared that if he were elected to the presidential office he must go untrammelled by party pledges of any character, and must not be brought forward as the candidate of any party, or considered as the exponent of any party doctrines. Gen. Taylor, therefore, refusing to be the candidate of a party or the exponent of its doctrines, had no claim upon his allegiance or that of his auditors as Whigs.

He showed further that Gen. Taylor's Southern neighbors, who knew him best, avowed that he sympathized with them on the subject of the Wilmot Proviso and what they called Southern rights. He uttered his bold challenge to the leading Whigs in Worcester County,—Gov. Lincoln and Gov. Davis. As the assembly was about to disperse, the Rev. George Allen, a brother of the Judge, who had come in late from a religious meeting, made his way to the platform and moved the following resolution, which was passed amid great enthusiasm. It was adopted by nearly every Free Soil meeting held that year in Massachusetts and rang through the country:—"Resolved, that Massachusetts wears no chains, and spurns all bribes. That she goes now and will ever go for Free Soil and Free Men, for Free Lips and a Free Press, for a Free Land and a Free World." That meeting was the inauguration of a political party which made opposition to the further extension of slavery its cardinal principle. The old Liberty party differed from the Free Soil party in that its members were willing to support men belonging to other political organizations if they had confidence in the sincerity of the devotion of the individual candidate to their principles. But the Free Soil party announced, and in no other way could any party expect permanent success in state or nation, that alliance with any other political organization, or the support of any other political candidates than their own, was sufficient reason for rejecting any candidate for office, however personally acceptable. The transformation of the Free Soil party into the Republican, which took place six years later, was but a change of name.

Mr. Allen devoted himself from that time forward to the close of the campaign to the task of convincing the people of Worcester County. It was no slight burden he had undertaken. Worcester County had contended with Genesee County, N. Y., Lancaster County, Pa., and

Ashtabula County, Ohio, for the glory of being the banner Whig county in the United States. She was interested in the success of Whig principles. Her manufactures were rising into importance. Factories were building on every stream. Her only city was devoted to manufactures in great variety. Her people were proud of the policies which had given to Massachusetts the name of the model commonwealth. With the exception of Mr. Webster, her venerated citizens, John Davis and Levi Lincoln, were the most eminent Whigs in Massachusetts.

Gov. Davis had a large national fame and was understood to have favored the selection of Gen. Taylor. At the same time, his course hitherto had commended him to the anti-slavery sentiment of the Commonwealth. Levi Lincoln, who held the office of Governor of Massachusetts longer than any other person before or since, was a man of matchless executive energy, of high social position, of wide family connection, and of unsullied character. He had been chosen Governor of Massachusetts by the consent of both political parties. He had inherited from his father the political opinions and the intimate personal friendship of Jefferson. Yet he had always had the full confidence of the Federal and Whig leaders. When Mr. Webster was first chosen to the United States Senate he declined to be considered as a candidate until he had been first informed, on Mr. Lincoln's own authority, that he would not accept the place; an acceptance which had been urged upon him by Mr. Mills, the retiring senator, and by the leaders of the dominant party in Massachusetts all over the Commonwealth, with scarcely an exception. These two men threw themselves into the support of Taylor, inspired not only by the conviction that Gen. Taylor's election would be for the benefit of the whole country, but also because they saw that their own political dominion and influence were involved in the same issue.

These men had supporters both on the hustings and in the press, from a conflict with whom any common man might well shrink. The *National Ægis* was then under the charge of Alexander H. Bullock, afterward Governor of the Commonwealth, and one of the most brilliant orators of his day. He was aided by the keen and caustic pen of Edward W. Lincoln, and by John C. B. Davis, afterward an eminent lawyer and Minister to Germany. Benjamin F. Thomas, who succeeded Judge Allen as the leader of the Worcester bar, the darling of the younger men of his generation,—a man of whom it has been said, as before him was said of Charles James Fox, that his intellect was all feeling and his feeling all intellect,—who had been an original supporter of Gen. Taylor, advocated his election with his fervid and persuasive eloquence. Emory Washburn, perhaps the best-beloved citizen of Worcester County, was on the same side. The quarrel was not like that of an ordinary party contest. It extended into the social life of the state and county. There was hardly a family moving in what was called good society that was not upon the Whig side. Charles Hudson, the popular and esteemed representative from the Worcester District, the highest authority in his time upon the finances of the country, and especially upon the protective tariff, after some hesitation, had given his support to the nomination of Gen. Taylor.

Yet Charles Allen, from the beginning, held his own against all odds. He was nominated for Congress very much against his own will, and because no other man could be found in the district on his side of sufficient prominence to be made a candidate. The Free Soil party swept the county by a large majority, carrying the City of Worcester and every one of the fifty-two towns, with four exceptions. The Judge was triumphantly elected to Congress. From that time Worcester County never wavered or faltered in the support of freedom, till the three great

amendments were formally established in the Constitution of the United States itself.

Judge Allen served in the Congress of the United States for two terms, when his constituents reluctantly yielded to his desire to withdraw from that service. His health was always delicate. The climate of Washington was extremely unfavorable to him. During his term of service he had many slight illnesses. He also was brought to the point of death by a lung fever. The physicians had no hope that he would live but a few hours, and requested Mr. Giddings, who was his intimate friend, to say to him that if he had any disposition to make of his worldly affairs it should be done without delay, as he had but a very short time to live. The Judge understood his own case better than the doctors. As Giddings leaned over the sick-bed and made the solemn and appalling communication, the patient replied, using all his strength, in a just audible whisper, "We will see about that." To the mortification, if not the disappointment, of the doctors, he recovered.

The question has been discussed a good deal of late, to what men the rescue of our vast Western territory from slavery and the overthrow of slavery itself are most largely due. The admirers of Mr. Garrison and the survivors of the little band who were distinguished by the name of Abolitionists, of whom he was the acknowledged leader, claim for him and for those who thought with him the chief merit in this mighty revolution. I would not, if I could, take a single laurel from the honored brow of William Lloyd Garrison. I stated deliberately my opinion of him when, in presenting for the Commonwealth of Massachusetts the statues of John Winthrop and Samuel Adams to the United States, for the memorial chamber in the Capitol, I spoke of the great men among whom her choice was made in selecting the two foremost names

among her national benefactors. I then used this language:—

“Of the great lovers of their race, whose pure fame is gained by unselfish devotion of their lives to lessening suffering or reforming vice, Massachusetts has furnished conspicuous examples. Among these great benefactors who have now gone to their reward it is hard to determine the palm of excellence.

“To the labors of Horace Mann is due the excellence of the common schools in America, without which liberty must perish, despite of constitution or statute.

“If an archangel should come down from Heaven among men, I cannot conceive that he could give utterance to a loftier virtue or clothe his message in more fitting phrase than are found in the pure eloquence in which Channing arraigned slavery, that giant crime of all ages, before the bar of public opinion, and held up the selfish ambition of Napoleon to the condemnation of mankind. ‘Never before,’ says the eulogist of Channing, ‘in the name of humanity and freedom, was grand offender arraigned by such a voice. The sentence of degradation which Channing has passed, confirmed by coming generations, will darken the fame of the warrior more than any defeat of his armies, or compelled abdication of his power.’

“Dr. Howe, whose youthful service in the War for the Independence of Greece, recalling the stories of knight-errantry, has endeared his name to two hemispheres, is yet better known by what he has done for those unfortunate classes of our fellowmen whom God has deprived of intellect or of sense. He gave eyes to the fingers of the blind; he taught the deaf and dumb articulate speech; waked the slumbering intellect in the darkened soul of the idiot; brought comfort, quiet, hope, courage, to the wretched cell of the insane.

“To each of these the people of Massachusetts have, in their own way, paid their tribute of honor and reverence. The statue of Horace Mann stands by the portal of the State House. The muse of Whittier and Holmes, the lips of our most distinguished living orators, the genius of his gifted wife, have united in a worthy memorial of Howe. The stately eloquence of Sumner, in his great oration at Cambridge, has built a monument to Channing more enduring than marble or granite; but Channing’s

published writings, eagerly read wherever the English language prevailed, are better than any monument.

“Yet I believe Channing and Howe and Mann, were they living today, would themselves yield precedence to the constant and courageous heroism of him who said, ‘I am in earnest; I will not equivocate; I will not retreat a single inch; and I will be heard’; whose fame—

‘Over his living head, like heaven, is bent
An early and eternal monument.’”

Of this estimate I have nothing to retract. But I cannot consent to honor Mr. Garrison at the expense of what is due to others. Mr. Garrison devoted his life to the cause of human freedom. In that cause he encountered hatred, obloquy and peril. He espoused the cause of the poor and downtrodden when it seemed almost hopeless to other men, inspired by a sublime and undoubting confidence in righteousness and the justice of God. He was a man of absolute integrity and veracity. His appeals did much to create and strengthen the hatred of slavery in the American people, to whom he was as a conscience, bringing everything to the standard of rectitude as it appeared to his eyes. But as we now look back upon his work we can see that he impaired his own usefulness by one supreme error in judgment. His only plan for the overthrow of slavery was the destruction of his country itself. If his counsel had been followed there would have been today at the South a great slaveholding empire, spreading over all the territory between the Mississippi and the Pacific, embracing Cuba and, perhaps, Mexico; while the North would have been a feeble and distracted country; or, perhaps, divided into many separate states, weak and contemptible among the nations of the earth. We cannot, therefore, while we assign to Garrison the highest place which belongs to a pure purpose and to an unselfish devotion, give to him, who as a counsellor and leader was always wrong in the method of accomplishing

his end, a meed of praise which we are to deny such leaders as Charles Allen and Charles Sumner, who, as we look back upon their lives, we now see to have been always right. Mr. Garrison was misled by a strict interpretation of the Constitution. He forgot that there was a country behind the Constitution which could amend it, which could overthrow it, which could construe it in favor of liberty, and the preservation of whose life was, if not the only, yet the best hope of liberty in this world. No lover of his race, no friend of the freedom of the black, can now look back upon the counsel of Charles Allen or the men who acted with him and wish that in any respect it had been otherwise.

The causes which have been mentioned prevented Mr. Allen from taking a very active part on the floor of the House during his two terms of service in Washington. But he was regarded by the few anti-slavery men there as their wisest and ablest counsellor. Mr. Julian of Indiana, who was himself one of the most earnest anti-slavery men in the public service, and who served with Mr. Allen during his whole time, has written his recollection of Mr. Allen's congressional career as follows :—

CENTREVILLE, INDIANA,

Sept. 10th, 1870.

HON. GEO. F. HOAR :

My Dear Sir,—

Failing health and other hindrances have prevented an earlier response to your request, made some months ago, to give you my impressions of the late Judge Allen of your state. My first knowledge of him dates back as far as the summer of 1848, when I read his speech to his constituents, on his return from the Philadelphia Whig Convention which nominated Gen. Taylor for the Presidency in June of that year. This speech, which was copied into several Western newspapers, was a telling one, and exercised a marked influence, especially upon those members of the Free Soil organization who enlisted from the ranks of the Whigs. I first met Judge Allen in

December, 1849, as a fellow-member of the House of Representatives in the memorable Congress which then assembled, and as a fellow-member also of the little party of less than a dozen men who disowned all allegiance to both the Whig and Democratic parties. Boarding at the same place with Judge Allen and a few other congenial friends during nearly the whole of the two sessions of this Congress, which together lasted over thirteen months, I had, of course, the amplest means of knowing him intimately. In his ordinary intercourse with others, and as a member of the House also, he was so quiet and undemonstrative that few comprehended his rare intellectual gifts, or the singular charm of his manner as he revealed himself to his intimate friends. I may add, too, that even at this comparatively early day in his career he labored under the serious disadvantage of feeble health. The slave power also, then in the full sweep of its despotism, took good care, of course, to keep such men in the background. Even Thaddeus Stevens, who in later years became so famous as a debater and party leader, and had offended the black oligarchy so much less than Judge Allen, was not able in this Congress to write down any clear prophecy of the career which awaited him when perfectly unshackled by the power which then held him in check. The men who resisted the organization of the House in the interest of slavery for weeks in succession, and thus offended both slaveholders and doughfaces, could expect no coveted place on the committees and no political favors in any quarter. Judge Allen, however, whenever his health would permit, was at his post of duty, ever watchful of the proceedings of Congress, and conscientiously resolved to act well his part as a servant of the people. On a few occasions, of which his encounter with Mr. Ashmun is an example, his reserved power was strikingly brought out, and the House listened to him with admiration and breathless interest. Judge Allen was passionately fond of English literature. On entering his room I always found on his table "Half Hours with the Best Authors" or some favorite volume of poetry; and I used to listen to his readings with delight. He was master of the rare art of good reading, knowing exactly how to give to the hearer the full force and compass of his author's meaning. He was uncommonly familiar with theological and religious literature, and his conversation on these

topics was full of instruction. In his occasional discussions of political issues with those who differed from him, it was impossible to escape the real point in dispute. He never failed to bring his opponent promptly back to it, and pin him there if he sought to escape; and when he detected in him any form of sophistry or dishonesty was sure to make him disagreeably sensible of it. There was a vein of sarcasm about him which I have never seen excelled. It was keen and terrible; but he uniformly reserved it for fit occasions and for subjects that deserved it. His love of justice and truth was supreme, but his heart was as sunny and kind as that of a child.

The political and social ostracism of the little party of radicals with whom he was associated in Washington was keenly felt, and led to weekly social meetings at the residence of Dr. Bailey, of the *National Era*, where we frequently met leading anti-slavery people from various sections. These were most delightful occasions, showing the delightful social tendencies of the members, and indicating the struggle it must have cost them to break away from cherished associations and stand alone in defence of hated political doctrines. If left to his natural inclinations, I think Judge Allen would never have filled a public office; and I am quite sure he would have shunned the hard and ungracious strife of party politics. He was, in the very best sense, a patriot; and, therefore, while singularly fitted to enjoy the sweet quiet of home, and to charm in the social circle and around the fireside, he listened only to the voice of duty when summoned to the public service.

I infer from his frequent conversations about Mr. Webster, that his personal and political relations with him had been the kindest. Up to the last moment, I think, he clung to the hope that Webster would not go over to the South; and it was a real grief to him when he found himself finally disappointed. On the memorable 7th of March, Judge Allen was not able to be in the House. I happened that day to be in the Senate and heard the whole of the recreant speech which recorded Mr. Webster's apostasy from his New England faith. On returning from the session, I related to Judge Allen what had happened, giving him the chief points of the speech and attempting to describe the effort, almost amounting to an agony, which it seemed to cost Mr. Webster to deliver it. I shall never forget the inexpressible

sadness of Judge Allen's face as I gave him these particulars. The fatal step had now been taken and thenceforward he must, of course, regard Webster as the enemy of his country, because the enemy of liberty. The pang caused by this event, affecting as it must his social relations with Mr. Webster, was patiently endured, in the desire to stand all the more firmly by the cause of freedom, now dearer than ever because more than ever imperilled by the faithlessness of its friends.

Of the controversy which followed between Judge Allen and Mr. Webster it is, perhaps, needless to speak. I believed at the time, as I still do, that Judge Allen was right in the charges made by him against Mr. Webster, in March, 1851; and I was willing, therefore, to offer in the House a preamble and resolutions calling for an investigation. The House, then in the complete control of men who had surrendered the country to the keeping of the slave power, very naturally voted down the proposed inquiry. It was never officially made; but Judge Allen's good name suffered no detriment in the judgment of his countrymen by reason of his charges. On the contrary, I think it safe to say that the general verdict has been in his favor. Time has awarded justice to both parties, and this is all that the friends of Judge Allen could ask. Should the friends of Mr. Webster, however, see fit at any time to drag this controversy again before the public, and insist upon a rehearing, I doubt not that facts in abundance can be produced in justification of the investigation which was proposed.

As to Judge Allen's course, in connection with the other Free Soil members of the House, in resisting its organization under Mr. Winthrop, time has fully vindicated him and his co-laborers. They were ready at all times to vote for Thaddeus Stevens, as for any other Whig for Speaker who could be trusted; but they knew Mr. Winthrop to be false to freedom, and, therefore, they did right in resolutely refusing to vote for him. Many good men then thought they were mistaken; but the subsequent action of Mr. Winthrop himself has removed all doubts as to the wisdom of their course. Nor does Judge Allen's conduct need any vindication in separating himself from the Whig party, in 1848, and joining the anti-slavery revolt of that year. That movement did not carry the electoral vote of a single state; but its moral effect saved Oregon from slavery, made California a free state,

secured cheap postage to the people, and launched the policy of free homes on the public domain which finally prevailed in 1862. Nor can history fail to record that the Free Soil movement was the prophecy and parent of the larger one which rallied under Frémont in 1856, under Lincoln in 1860, and which finally saved the nation from destruction by the armed rebels whom it had vanquished at the ballot-box. The leaders in this grand uprising of 1848 are, therefore, not unworthy of their country's honor and praise; and of all these leaders, whether in New England or out of it, I rank Charles Allen second to none in ability, courage, singleness of purpose, and the power to inspire and wisely guide his fellow-men. In the grasp and poise of his mind I believe no man in New England, save Webster, was his superior, in the judgment of those who knew him best; while the purity of his life and the loftiness of his patriotism are unquestioned and unquestionable. Such are my views and impressions, drawn from a brief but intimate acquaintance, which closed nearly twenty years ago; and it affords me a real pleasure to record them in compliance with your wishes.

I am, very truly yours,

GEO. W. JULIAN.

After the defeat of Gen. Scott, it was proposed by the leaders of the Free Soil party in Washington, at a meeting held at the house of Dr. Bailey, editor of the *National Era*, to abandon their distinctive organization, and either unite again with the Whigs or abandon political effort altogether. Ephraim seemed given over to his idols. The Democratic party was triumphant everywhere. Their Whig competitors had declared their acquiescence in the compromise measures of 1850. Slavery was entrenched in House, Senate, the Presidency, the Supreme Court, in trade, commerce, at the Bar, and in the highest social circles of all the great cities. It seemed to many men that its enemies were but beating their heads against walls. Such was the feeling of the little band of discouraged champions who gathered at Dr. Bailey's the winter after the election of Franklin Pierce to discuss their future prospects. Mr. Allen, however, was not one of the dis-

couraged. He maintained that it would be impossible for the slave power to remain stationary; that some new encroachment would occur before long which would excite the North and inspire new confidence in the opponents of slavery. It is said that he advocated these views in a speech of great power, and succeeded in impressing the meeting with his own good cheer. His prophecy was verified early in the following administration, by Mr. Douglas's proposition to repeal the Missouri Compromise, followed soon after by the struggle between the settlers from the free and slave states for the possession of Kansas, and by the Dred Scott decision.

During Mr. Allen's term of service the Compromise measures of 1850 were discussed and enacted. Mr. Allen came home from Washington in the autumn of that year, and addressed his constituents in two speeches of marvellous power. In 1848 he had prayed "That God might keep Daniel Webster from the toils of the slave power, and that we might be spared from the sight of that strong man grinding in the prison-house of the Philistines." After Mr. Webster's 7th of March speech, Mr. Allen's last hope of support from Mr. Webster was abandoned. He denounced his old leader and friend in language which justice to him and to those who thought with him requires us to preserve, as showing the temper of the times and the boldness with which the most powerful character was assailed by Judge Allen in the defence of what he believed the cause of righteousness and constitutional liberty:—

"Mr. Webster, I know, says that the opinion of no man who denies the constitutionality of this measure [the Fugitive Slave Law] is of any worth. In the usual arrogant style in which he sees fit of late to address the public, he declares that the opinion, which has been expressed by intelligent men, by lawyers and jurists, and by able minds in every department of life, that the law is against the spirit, if not the letter, of the Constitution, is not worthy of consideration. He assumes to dictate to the people the

true construction of the Constitution, in a matter deeply affecting them; and he declares that the hundreds and thousands of voices, already raised in all parts of the country to denounce this measure for its unconstitutionality, are to be disregarded or treated with contempt.

"My friends, I know well the great intelligence of that distinguished man, Daniel Webster. I know very well the power of his mighty intellect, how it stands out in monstrous disproportion to every other attribute of the man. I bow in silent wonder before the mysterious dispensation of Providence which saw fit to confer so much intellectual power where there was so little moral strength. My friends, Mr. Webster never will vindicate the principles of the Free Soil party. Never! Never! The Free Soil party has no pensions to bestow upon him. Freedom has no chain of gold to bind the giant to her service. She seeks for no such service. But she asks the aid and assistance of honest minds and earnest hearts,—of men who cannot be bought by gold, and who will not be beguiled of their rights by gold-bought sophistry. My friends, what is knowledge, what is wisdom, without goodness as a guide in the affairs of life? And what but a demon would the greatest intellect which the Deity ever created be if it stood independent of goodness? The world has had examples of men in all ages who were gifted with great powers of intellect, and who yet would fall before temptations which the feeblest of mankind often resist. The instances, as you know, have not been few, but many,—so many that, I trust, the people have long since learned to disregard the dictation of mere intellect where there are no qualities of the heart also upon which they can rely.

"I call to mind at this moment one of the most distinguished men the world ever knew. It will be no disparagement to say that he possessed an intellect superior even to that of Mr. Webster himself. Certainly his attainments in every department of knowledge were far superior. And yet he sank before temptations which the weakest resist, and was dismissed from the highest place of state in disgrace and with contempt. That man, characterized as 'the wisest, brightest, meanest of mankind,' stands on the page of history as a warning to the world that intelligence

and virtue are not inseparably combined, and that you must see to it that the brilliant intellect to which you turn for guidance and direction, is itself controlled and directed by unwavering principle. My friends, I have a right thus to speak of Mr. Webster, and it is my duty to speak thus of him. It is the duty of every man, even of the feeblest, to exert what little strength he has to prevent the fountains of public sentiment from being poisoned by the statesman who has turned all the energy of his great mind in a direction hostile to the public interest. I have a right thus to speak of him from what we know and what we believe of the inducements and motives which gave a new direction to his whole political action. When we find him turning his back upon principles which he had advocated in the most solemn manner again and again, not in his youth merely, but in the maturity of his great mind, which he had early vindicated, which he had at all periods sustained; when we find him changing his position, arraying himself on the side of oppression, and seeking to delude the whole public into the same false position, we have a right to say that the man is not to be trusted as a guide to the people. Rather trust the feeblest intellect that sheds its glimmering though feeble light over the path of duty."

This arraignment of Mr. Webster cannot be omitted without omitting an important part of the political history of the time, and especially an important act in the career of Charles Allen. As we look back today, nearly forty years, upon these great events and these great actors, we can discover reasons for modifying the severe judgment which the lovers of liberty of his day rendered of the motives and conduct of Daniel Webster. We can see that he might well have been sincere in his belief that it would not be in the power of the South to fasten itself upon the unoccupied territory of the West, even without any national prohibition. Certainly California and Kansas, under most unfavorable circumstances, were rescued from the blight of slavery without any exertion of national authority. We can also see that the fear of a dissolution

of the Union, which so impressed the mind of Mr. Webster, was not the idle fancy which his opponents at that day were accustomed to believe it. We can see, too, that if the struggle had come between the North and the South in 1850, before the extension of our railroad system, before the great increase of wealth, and especially the increase of manufacturing power which came to the North in the ten years' interval, and before steam-power had come into use on vessels of war, that a war undertaken for the coercion or conquest of the South might have had a very different ending from that of the struggle which broke out in 1861. We can also well believe that if Daniel Webster's life had been spared he would have been found, as his follower and friend, Edward Everett, was found, among the most zealous defenders of his country, and that all his sympathies would have been given to the Union in a war in which, as it has been well said, every cannon on that side was shotted with his great reply to Hayne.

The men who condemned Daniel Webster, and the men who came to his side, had alike drunk deeply of the inspiration of his own teaching. He had taught the youth of New England, at Plymouth and at Bunker Hill, to reverence beyond all other human objects of esteem the men who had abandoned their country and the men who had taken up arms against their government that civil liberty might not perish. He had pledged them on the rock where their ancestors landed to co-operate with the laws of men and the justice of heaven to extirpate and destroy the slave trade. How came he to be advocating a Fugitive Slave Law, and helping to extend the area of slavery from the Mississippi to the Pacific? On the other hand, it was he that first taught America her own greatness; that had evoked the national spirit in the bosoms of his countrymen, and taught them that their best hope lay in the supremacy of the Constitution and the Union. Should they not listen when he warned them that the

Union was in danger, and demanded of them obedience to the plain behest of the Constitution as the price of its safety? One side appealed to the love of liberty; the other to the love of country. One side appealed to the voice of conscience in the soul; the other invoked the decisions of Congress and the supremacy of national law.

The judgment which the Free Soilers of 1850 formed of Daniel Webster and the judgment which his countrymen, even those who differed from him, have formed, after the passion and excitement of his time have died, are both expressed in a manner which no other man can equal, by John G. Whittier, that master of every chord in the hearts of his countrymen, in two matchless poems. In each of them he spake truly the sentiment of anti-slavery New England. "Ichabod" was its first voice of disappointment and sorrow:—

“ So fallen! so lost! the light withdrawn
Which once he wore!
The glory from his gray hairs gone
Forevermore.

Reville him not—the Tempter hath
A snare for all;
And pitying tears, not scorn and wrath,
Befit his fall!

O, dumb be passion's stormy rage,
When he who might
Have lighted up and led his age,
Falls back in night.

Scorn! would the angels laugh, to mark
A bright soul driven,
Fiend-goaded, down the endless dark,
From Hope and Heaven!

Let not the land once proud of him
Insult him now,
Nor brand with deeper shame his dim,
Dishonored brow.

But let its humbled sons, instead,
 From sea to lake,
 A long lament, as for the dead,
 In sadness make.

Of all we loved and honored, naught
 Save power remains,—
 A fallen angel's pride of thought,
 Still strong in chains.

All else is gone, from those great eyes
 The soul has fled :
 When Faith is lost, when Honor dies,
 The man is dead !

Then, pay the reverence of old days
 To his dead fame ;
 Walk backward, with averted gaze,
 And hide the shame !”

The “Lost Occasion” expressed its riper and its gentler judgment :—

“ Too soon for us, too soon for thee,
 Beside thy lonely Northern sea,
 Where long and low the marsh-lands spread,
 Laid wearily down thy august head.

Thou shouldst have lived to feel below
 Thy feet Disunion's fierce upthrow,—
 The late-sprung mine that underlaid
 Thy sad concessions vainly made.

Thou shouldst have seen from Sumter's wall
 The star-flag of the Union fall,
 And armed Rebellion pressing on
 The broken lines of Washington !

No stronger voice than thine had then
 Called out the utmost might of men,
 To make the Union's charter free
 And strengthen law by liberty.

How had that stern arbitrament
 To thy gray age youth's vigor lent,
 Shaming ambition's paltry prize
 Before thy disillusioned eyes ;

Breaking the spell about thee wound
 Like the green withes that Samson bound ;
 Redeeming, in one effort grand,
 Thyself and thy imperilled land !

Ah, cruel fate, that closed to thee,
 O sleeper by the Northern sea,
 The gates of opportunity !
 God fills the gaps of human need,
 Each crisis brings its word and deed.

Wise men and strong we did not lack ;
 But still, with memory turning back,
 In the dark hours we thought of thee,
 And thy lone grave beside the sea."

But we must describe Charles Allen, and tell the story of his life as it was. We must do justice to the heroic courage which never quailed or flinched before the most powerful antagonist that either Massachusetts or America ever produced.

Judge Allen lived to see the triumph of the great cause which he had espoused in its infancy and weakness. He lived to see slavery abolished by the Thirteenth Amendment to the Constitution. He lived to enjoy the respect of the people of the Commonwealth, without distinction of party or opinion. The dauntless advocate of liberty, the wise, learned and inflexible judge and stainless citizen, received the only reward for which he cared,—the affection and honor of good men everywhere. His private life had been simple and frugal. He could say with John Milton, "I am not one who has disgraced beauty of sentiment by deformity of conduct, or the maxims of a freeman by the actions of a slave ; but, by the grace of God, I have kept my life unsullied."

During his second term in Congress, a proposal was made to entrust the negotiation of a government loan for paying the expenses of the Mexican War, and the sum to be paid to Mexico as an equivalent for her cession of territory, to the Department of State, of which Mr. Webster

was then the head. Judge Allen earnestly resisted this proposition. He claimed that the well-known fact that Mr. Webster was enabled to defray his large household expenditure while he held office by contributions from business men, largely brokers and bankers, unfitted him for the discharge of the delicate duty of negotiating a loan with them; a transaction from which they might well expect to derive a considerable profit. But he found no support on either side of the House.

Mr. Allen left Congress, contrary to the earnest desires of his constituents, at the end of his second term, on the third of March, 1853. But he maintained his leadership in the politics of Worcester County, and his large influence in the state, until he went upon the bench in 1858. He was a member of the Convention to revise the Constitution in 1853, where he exerted a powerful influence. The new constitution proposed by that convention was rejected by the people; but the volumes containing its debates are full of interest. Some of Mr. Allen's speeches will be found there reported. In 1854 the Know Nothing party, as it was called, whose fundamental principle was the desire to exclude men of foreign birth from the right to vote in this country, came into power. It elected, in the autumn of 1854, the entire State Government of Massachusetts, including every member of the Senate, and every member of the House but two representatives from the town of Northampton, and the entire delegation in Congress. Many of Mr. Allen's most prominent associates, including Henry Wilson, yielded to the torrent, and either joined the new party, which held its meetings in secret, or counselled against any active resistance. But the whole movement was repugnant to Charles Allen. He set his face steadfastly against it from the first to the last. He addressed a little company of followers, who gathered on the front seats in the old City Hall, in a speech which I well remember. In

the course of his speech he denounced the Know Nothing movement, to whose principles and methods he was earnestly opposed. He said, "Perhaps I am speaking too boldly, but I learned to speak boldly a long time ago. I will speak my sentiments in the face of any organization; or, if it does not show its face, though its secret mines are beneath my feet, and unseen hands ready to apply the match, I will declare those sentiments that a freeman is bound to utter." The speech was filled with the powerful and profound reasoning and the caustic wit which were alike characteristic of Mr. Allen. The candidate of the Republican party for Governor had himself joined the Know Nothings, and was advocating the election of their candidate and his own defeat. Mr. Allen's only allusion to him was in a single sentence. He said to his audience, "Fellow citizens, there is much in this campaign from which you may take courage; you have a very respectable candidate for Lieutenant-Governor." He lived to take a leading part, in the fall of 1857, in the movement for the nomination of Gov. Banks, which led to the overthrow of Know Nothing power in Massachusetts, and to the permanent establishment of the rule of the Republican party.

The Know Nothing party carried to an unjustifiable extreme its opposition to citizens of foreign birth. Its political methods, especially the secrecy of its proceedings, are not to be defended. As old Josiah Quincy well said in a vigorous pamphlet, "The doom of the Republic is sealed when the bats take the lead of the eagles." But many persons who joined it cared little for its principles. They did not mean to continue long in its ranks; still less to continue long in its practice of secrecy. But they thought it an excellent weapon for the destruction of the old parties, who stood in the way of the progress of free principles. They thought if the old ground were cleared and levelled, with whatever plough, they might get fresher and better crops in future. Henry Wilson joined the

party one year and abandoned it the next. He was the candidate of the Republican party for Governor in 1854, and did his best as a Know Nothing to defeat his own election. Within twelve months Mr. Wilson had been elected to the Senate of the United States and the Republican party had been organized. It came within a few thousand votes of electing its Governor in the autumn of 1855. Most of the members of the Know Nothing party returned to the Democratic party or joined the Republican party in the presidential election of 1856. The autumn of 1857 witnessed its final overthrow in Massachusetts. It soon afterward disappeared. Mr. Wilson declared later in life that his connection with that party was the fact in his career which he most regretted, and that he would give ten years of his life if he could wipe it out.

Mr. Allen took an active part in the formation of the Republican party in 1854, which, however, got little assistance from anybody but members of the old Free Soil party, and was, in fact, but that party under another name. In 1855 the attempt was renewed with greater success, and with Mr. Allen's hearty concurrence. But in that he found plenty of associates, and the course of events soon brought a large majority of the people of the state into that organization.

Mr. Allen presided at the great meeting in Worcester in aid of the Free State settlers in Kansas, in the year 1856, where he made a speech of great power, and where the citizens of Worcester raised upward of ten thousand dollars by voluntary contribution before leaving the hall. He also presided at the great meeting in the City Hall to express the public indignation at the assault on Charles Sumner in 1856. But the work of convincing the conscience and understanding of the people of Massachusetts and of organizing its political forces had been thoroughly done. Mr. Allen's last important service was in the great

influence which he exerted in bringing about the nomination of Gov. Banks, in the autumn of 1857.

He understood well and knew how to apply in practical life two of the most important texts of scripture,—the verse, "We have this treasure in earthen vessels," and the parable of the tares. I admit that both these are texts dangerous of application by men of weak intelligence or of weak moral sense. But to know when and how to apply them is to know the secret of the difference between a statesman and a fanatic. It is the secret of the difference between success and failure. He knew well that when a great cause is at stake, in the very crisis of battle, it is no time to be criticising and carping at the faults or foibles of the leader, so the battle be well ordered and the heart of the leader be true. He understood, also, that oftentimes in the life of all nations the tares cannot be uprooted without destruction to the wheat, and that both must grow together until the harvest. But he never flinched or faltered or held back from striking his mortal blow at the enemy who sowed them.

The relation of Charles Allen to the political revolution in Massachusetts was like that of his kinsman, Sam Adams, to the Revolution of 1775. He performed, with signal ability and to the entire satisfaction of his associates and of the people, every public duty which fell upon him. But, besides and beyond this, he was a leader of leaders,—a counsellor of counsellors. He had the gift of intellectual ascendancy over other minds, which, like that of Hamilton and of Sam Adams, seemed to be more complete the abler and more powerful the intellect on which his influence was exerted. There were men in the days which preceded the American Revolution more famous than Sam Adams. To a superficial observation their words and actions seemed to exert a greater influence on their contemporaries or on posterity. Hancock and John Adams and James Otis in Massachusetts, Patrick Henry and Jefferson and the other

great Virginians, produced more striking effects by single speeches or state papers than any which are recorded of Sam Adams. But he furnished, even to them, counsel, courage, decision, stimulant in great and difficult emergencies. He was ever at the helm, or it was his word that the helmsman obeyed. Ample proof of this statement will be found in the writings of the greatest of his contemporaries.

The same thing is true of Charles Allen, in his relation to the great political revolution which saved from slavery the territory between the Mississippi and the Pacific and, in the end, abolished slavery throughout the country. Sumner and Palfrey and Charles Francis Adams sat at the feet of Charles Allen and looked up to him as to an oracle and guide. His unerring judgment never failed, his courage never flinched. There cannot be found in his history the record of a single mistake.

Another thing is specially to be remarked of the career of Charles Allen; that is, the wisdom with which he selected the occasion when it was worth while to do battle. He is not found criticising his associates or his opponents for small personal faults. He never wasted his strength. He knew how to distinguish what is essential from what is non-essential. He never dealt his blows at antagonists who were sure to destroy themselves if let alone, and never gave battle when the result of the conflict was likely to be unimportant or without influence upon the final result of the war. He never destroyed the wheat with the tares. He devoted himself to the great question, not to the small question. He attacked the great antagonist and disregarded the mean antagonist. He struck his blow at the Whig party in the height and flush of its triumph. He attacked Daniel Webster in the fulness of his strength and influence. He struck at the heart and his blow was mortal. Other men, more conspicuous in the public eye, have received a larger share of credit for their service in

SPEECH

OF

HON. GEORGE F. HOAR,

OF MASSACHUSETTS,

DECEMBER 22, 1902,

AT THE BANQUET OF THE

NEW ENGLAND SOCIETY,

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SPEECH.

DECEMBER 22, 1902.

That would be a cold heart indeed, that were not stirred to its depths by your kindly greeting. It has all the more value because I know that it comes wholly from your kindness, and not from any deserving of mine.

It is certainly a great delight, as it is a great honor and privilege, to unite with the dwellers in your famous and beautiful city, when they celebrate the Pilgrims. How it may be with other children I cannot tell. But the children of the Pilgrims love their memory all the better, the more they are separated from them by the space of time.

I suppose the men and women who are gathered about these tables are here by right of a personal kindred with the Pilgrims who came over with Bradford and Carver, and Brewster; or the Puritans who came over with Endicott or Winthrop. But Massachusetts can claim a property in Pennsylvania, and Boston can claim a property in Philadelphia by the great inheritance of character. If our community had made no other contribution to yours than Franklin and Horace Binney it would be enough reason for inviting New England men to a place in any great festival here.

But New England, the birth-place of American liberty, as has been said already, has also its peculiar relation to the birth-place of Independence. It was here, from 1774 to 1787, and again from 1789 to 1801, when Independence was won, when the Constitution was framed, when the great administrations of Washington and John Adams inaugurated the Constitution, that the men

of New England did their great work. Here Hancock signed his name in letters visible across the broad Atlantic. Here John Adams—the Colossus of debate—vindicated the Declaration against the hesitation of its opponents by his invincible argument. Here Sam Adams—king of men—controlled the greatest intellects of his time by his wise, broad and prevailing counsel. Here Ellsworth led the Senate and framed the Judiciary Act. Here John Adams took the chair as Vice President of the Senate. Here, later, he was clothed with the Presidential office. Here he commissioned Marshal. Here he incurred the resentment of his own party by sending the envoys which saved the infant Republic from war with France. Here the matchless argument and eloquence of Fisher Ames saved the good faith and honor of the Republic.

After the sufferings of the voyage, and after the first terrible winter, when of the hundred and one there were but seven at one time able to care for the sick and dying, and more than half the company died, yet not one went back to England in the ship in the spring, the life of our fathers and mothers was not, in general, one of physical hardship. Indeed, our luxuries were their common food. Wild geese, and wild turkeys, and wild ducks, venison, and Cotuit oysters (our brethren of Connecticut, who were then stricter in their theology than we were in Massachusetts, preferred "Bluepoints"), and harbor clams, and lobsters and salmon and shad, and brook trout, and every variety of fish, all the fowls of air, and all the fish of the stream and the pond and the sea, and berries and Indian corn were abundant on their tables. They were in constant danger of the wild beast and the savage until the end of King Philip's war in August, 1676. Every mother in New England must have suffered the agony of daily and nightly terror for herself and her children. There were, it is said, ten thousand warriors organized by King Philip, who could issue out in little bands at any point from the forest to attack settlements extending over a large part of Connecticut, and Rhode Island, and Massachusetts, from the mouth of the Penobscot to New Haven, containing, all told, only about eighty thousand people. King Philip was an able and adroit savage. His plan

for the extermination of the white man was cunningly conceived. It was baffled only by the heroic and adventurous courage and skill of men, themselves disciplined by life in the forest, led by men trained in the great military school of which Cromwell was master.

The chief sorrow and suffering of the Pilgrim came from the fact that he was an exile. I do not believe that any man or woman who stayed at home in England, loved her with a more intense affection than these men who had left her for conscience's sake. Her beautiful fields, her hills and valleys, her rivers, with their very names so full of music, her stately homes, were dear to these men. They had been born and bred to a gentle life. There were more college-bred men in Massachusetts, and in Plymouth, by far, than could be found in any territory of like extent and population in England. The suffering that they encountered, that their children might live free, was suffering of the spirit and not of the body.

It once occurred to me that we could not be sure that it is an undiluted honor to be invited to speak in eulogy of our Pilgrim fathers and mothers on an occasion like this. Have you ever reflected, Mr. President, that the chief enlogists of the Pilgrim, since we began to celebrate this anniversary, have been, almost without exception, the men who had the least of the Pilgrim or the Puritan element in them, men who would not have been exiles, or reformers, or Pilgrims, under any provocation whatever.

Webster and Choate, and Everett and Winthrop have paid tribute to the Pilgrims better than any one else. They were great and useful men in their time. But they were all absolutely devoted to maintaining the existing order of things. But would not the Pilgrim have been a failure if that were not true? The social order which was the result of the suffering the Pilgrim endured was a social order fit to be maintained.

We best honor the Pilgrim when we reverently preserve and cherish the State which was the work of his hands. "Mere martyrdom," as was well said by a bright woman, "is generally a fault, and always a failure. Martyrdom is bearing witness. It is a testimony given under the highest sanction known to humanity,

when the man beareth witness with blood, or life, or with what is dearer than heart's blood or life. But if the witness be not believed in his own time, or by later generations—of which his blood is the seed—then the martyr, though his courage be as lofty as ever bore the rack, or his soul be as pure as that of an archangel, is a failure and his memory will perish from among men. The exile has suffered in vain if the State he has founded in the wilderness is fit only to produce other exiles.

The glory of the Pilgrim is that his testimony has been believed and has prevailed. The cause in which he gave it has been won. The verdict has been agreed upon and rendered. Posterity has established it by its mighty and irrevocable judgment.

The Martyrs of Despotism in all ages have been as brave and dauntless as the Martyrs of Liberty. Gerald, the assassin of William the Silent, was as sure that he was doing the will of God as was his victim. He met his death and the terrible torture which preceded it with a courage as undaunted as any hero in history. He fortified himself for his crime by reading the Bible, and by fasting and prayer, and then, full of religious exaltation, dreaming of angels and of Paradise, he departed for Delf. Completing his duty as a good Catholic and faithful subject, he was condemned to have his hand enclosed in a tube, seared with a red-hot iron, and to be torn to pieces with burning pinchers. He showed no sign of terror, no sorrow or surprise. Fixing his dauntless eye on his judges, he repeated with steady face his customary words, "Ecce homo."

The Moslem, the Indian, the Hindoo, meet torture and death with a courage as dauntless as that of the Pilgrim. But the Pilgrim died in the cause of civil and religious liberty, and he won his cause. He encountered exile and death that he might found a State in the government of which every man should have his equal share, and a Church where no human authority might interpose between the soul and its Maker. The State he founded is here, three centuries afterward. It possesses a continent. It gives law to a hemisphere. Within the domain of that State the soul is free. The principles of the Pilgrim pervade the conti-

neut, and are pervading the planet. As the child who goes out, poor and obscure, from his birth-place to seek his fortune, comes back again successful, and honored, and enriched, to the parental dwelling, so the principles of civil liberty under constitutional restraint, which have possessed the American continent from Hudson Bay to Cape Horn, have crossed the Atlantic again to possess the countries of their origin. England is almost a Republic in everything but name. France, after two failures, has become a permanent member of the family of Free States. In Southern and Oriental Seas, where the adventurous ships of our fathers, long after the American Constitution had been framed, found nothing but barbarism and brutality, the great Australasian Commonwealths are rising in splendor and glory, to take, at no distant time, a foremost place in the family of self-governing nations. Japan—that miracle of the East—declared, when she celebrated, last year, her redemption from age-long barbarism, that she owes everything she is to us.

I do not think that the Pilgrim history will ever be repeated. It will not be easy to find the Pilgrim. And in the next place it will not be easy now, with the telegraph, and the telephone, and steam, and electricity, to find the wilderness. And if we can find one, we want it all for the anarchist.

This is the one story to which, for us, or for our children, nothing in human annals may be cited for parallel or comparison, save the story of Bethlehem. There is none other told under Heaven, or among men, like the story of the Pilgrim. Upon this rock is founded our house. Let the rains descend, and the floods come, and the winds blow and beat upon that house, it shall not fall. The saying of our prophet—our Daniel—is fulfilled. The sons of the Pilgrims have crossed the Mississippi and possess the shores of the Pacific. The tree our fathers set covered at first but a little space by the seaside. It has planted its banyan branches in the ground. It has spread along the Lakes. It has girdled the Gulf. It has spanned the Mississippi. It has covered the prairie and the plain. The sweep of its lofty arches rises over the Rocky Mountains, and the Cascades, and the Nevadas. Its hardy growth shelters the frozen region of the far Northwest

Its boughs hang over the Pacific. So far—so far, it has carried its blessing with it. Self-government, civil and religious freedom, the Compact of the Mayflower, the Declaration of Independence, the American State, the American Home, the American Constitution—these have gone with it, and in good time—in good time—it will send its roots beneath the waves, and receive under its canopy the islands of the sea.

“ Branching so broad and long, that in the ground
The bended twigs take root, and daughters grow
About the mother tree, a pillared shade
High over-arched, and echoing walks between.”

These shall go with it also—self-government, civil and religious freedom, the Compact of the Mayflower, the Declaration of Independence, the American State, the American Home, the American Constitution—these shall go with it as its shadow.

American freedom, American self-government, the American home, the American Constitution—these shall follow the American flag till they cover the earth as the waters cover the sea. Wherever the son of the Pilgrim goes he will carry with him what the Pilgrim brought from Leyden, the love of liberty, reverence for law, trust in God—a living God—belief in a personal immortality, the voice of conscience in the soul, a heart open to the new truth which ever breaketh from the bosom of the Word. His inherited instinct for the building of States will be as sure as that of the bee for building her cell or the eagle his nest.

I am no blind worshipper of the Past. I do not believe that Renown and Grace are dead. I am no pessimist or alarmist. I am certainly no misanthropist. While there are many men who have served their country better in their generation than I have in mine, I yield to no man in love for the Republic, or in pride in my country, and in my countrymen who are making to-day her honorable history. We may err in our day. Our fathers erred in theirs. Yet our generation is better than those who went before it. The coming generations will be better than we are. The Republic where every man has his share in the government is better than the monarchy, or the oligarchy, or the aristocracy. Our Republic is better than any other Republic. To-day is better

than yesterday, and to-morrow will be better than to-day. But while each generation has its own virtues, each generation has its own dangers, and its own mistakes, and its own shortcomings.

The difference between the generations of any country with a history is commonly not one of principle, but of emphasis. The doctrine of 1776, when we won our independence, planted our country on the eternal principles of equality of individuals and of nations in political rights, and declared that no man and no people had the right to judge of the fitness of any other for self-government. In 1787 the Constitution was builded on the doctrine that there were domains ~~within~~ ^{where} which the Government had no right to enter, and that there ~~were~~ powers which the people would not commit to any authority, State or National. The doctrine of 1861 and the years which followed, declared the natural right of every man to his own freedom, whatever might be his race or color; and the natural right of every man to make his dwelling wherever on the face of the earth he might think fit. These truths will, perhaps, be accepted to-day as generally as they were accepted then. But if accepted at all they are accepted by the intellect only, and not by the heart. They are not much talked about, except to ridicule them, to refine about them, or to find some plausible reason why they should not be applied.

The orator of to-day puts his emphasis on Glory, on Empire, on Power, on Wealth. We live under, and love, and we will shed our heart's blood for the same flag which floated over our fathers, and for which they were ready to die. But it sometimes seems that the flag has a different meaning, whether it float over the Capitol, or the ship-of-war, or the regiment on the march, or the public assembly. We no longer speak of it, except coldly and formally, as the symbol of Liberty; but only as the symbol of power, or of a false, cheap, tinsel glory.

I think the popular reverence for Washington, and Lincoln, and for Sumner, and for Webster is not abated. But few political speakers quote to-day the great sentences which made them so famous, or the great principles to which they devoted their lives.

Justice Harlan, a noble Kentuckian and brave soldier, as well as a great Judge, said in a speech to the Loyal Legion, that "the

heart of the North had grown cold toward the millions of bondsmen whose chains it had broken." I heard an eminent Republican Senator say, not long ago, that he was sorry that we had ever abolished slavery.

But all these things are temporary, and superficial, and cutaneous. The great heart of the American people beats to-day, as ever, for Justice and Liberty. There are times of profound peace and unbroken prosperity, when it seems to the unreflecting view as if everything that was noble had gone from the character of the American people. But it is a grievous mistake. Mr. Choate, as you remember, wrote to a friend out of the country, in 1855: "Your estate is gracious, that keeps you out of our politics. Anything more low, obscene, feculent, the manifold oceanic heavings of history have not cast up. We shall come to the worship of onions, cats, and things vermiculate." Yet six years later the lofty summons came, and the heroic youth of 1861 answered the call. The American people have never cared permanently, and, in their hearts, for military glory; and have never, in their hearts, been greedy for mere empire.

The War of 1812 brought great glory to the Nation. It was crowded with Naval victories. It won for us the freedom of the seas. But there is no statesman who had anything to do with the War of 1812 that is remembered now for the share he had in it. That war left us but one name which may fairly be called illustrious in our military history—the name of Andrew Jackson. And the glory of New Orleans has been, I think, eclipsed by the glory of putting down Nullification.

The War with Mexico won for us a great addition to our Empire, and the dominion of the Pacific. Yet the two Generals who won fame in that war, while both did their full duty as soldiers, both were opposed in opinion to the war. The statesmen of that day, who brought on the war with Mexico, are almost wholly forgotten now, while Webster and Sumner, and Clay and Benton, and Corwin hold their places in the affection of the people, and shine with an undiminished luster. When Theodore Roosevelt chose his hero for the imitation of the youth of America, he passed by Polk and Pierce, and Buchanan and Cushing, and the

other statesmen who brought on the Mexican War. He took Benton for his example, who gave up power and office and popularity to protest against it.

I have sometimes wondered if William Bradford and Brewster, and John Robinson and Carver, and Winthrop ever celebrate the landing of the Pilgrims in the world where they are now dwelling. If they do, I wonder who will be invited to the banquet! Who of later generations will be thought worthy to sit by their side and share the ambrosia of their recollections, and the nectar of their converse? It will be an exclusive society. It will be the very aristocracy of martyrdom. Washington will be there, of course, and Sam Adams and Laurens, and Nathan Hale and Lincoln, and Sumner. With all their faults, they will be glad to see Corwin and old Tom Benton, and Garrison. Toussaint L'Ouverture, who died in a French dungeon for the liberty of his race, will be there. They invite colored men to dinner in that world. Lafayette, who endured the Austrian dungeon for the liberty of the world, will be of the company. Napoleon could not get in, even in company with the dogs, to lick up the crumbs that fall from the table. The deep, sweet voice of Kossuth, the Hungarian exile, orator of two worlds, will be heard there.

I will not undertake to say who of men now living would be counted worthy of that illustrious company. Of living men it would be presumptuous to speak. But perhaps some of those who, in the death struggle of the little Republic in South Africa, did the best fighting that this world has seen since Thermopylae, will be there. Mabini, the author of the State papers which compare with those of our fathers—which won the admiration of Lord Chatham—and of whom I hope our Republic is not afraid, that we keep him in exile at Guam, will be welcome, to discuss with John Winthrop the true boundary between liberty and authority in the State.

But this hour is consecrated to patriotic memories, and to filial love. We are a company of brethren celebrating our Mother's birthday. Let us not dwell on the faults or mistakes of each other. Our Pilgrim and Puritan fathers and mothers were men and women. They had the faults of men and women. But they

are to us the noblest men and women that ever lived. Our countrymen to-day are men and women. They have the faults of men and women. Yet our country is to us the best and the noblest country the earth ever saw, at its best and noblest day. Let us rather remember how we took Cuba by the hand and delivered her from her age-long bondage; how we led hesitating and halting Europe to the relief of her imprisoned Ambassadors in China; how we are at this moment holding our mighty shield over beleaguered Venezuela, while Theodore Roosevelt says to imperial England and haughty Germany: "Thus far shall you come, and no farther, and here shall your proud fleets be stayed." Surely that tree is for the healing of the nations, beneath whose shadow sixteen Republics are dwelling in safety and peace.

The teaching of this Pilgrim celebration for us is, that our country can be great and noble only as she listens to the Pilgrim voice and learns the Pilgrim lesson: "Righteousness exalteth a Nation. He that saveth his life shall lose it." Let us have Liberty, if we have to go into exile to get it. Let us have Justice, though we must dwell in the wilderness to enjoy it. Let us obey God's voice, if we must meet death in his service." Or rather, "Where Liberty is, there can be no exile. Where Justice is, there can be no wilderness. Where God is, there can be no death."

WASHINGTON

ADDRESS

BEFORE THE

UNION LEAGUE CLUB
OF CHICAGO

BY

GEORGE F. HOAR,

FEBRUARY 23, 1903.

Washington, D. C.
PRESS OF GIBSON BROS.,
13TH AND PENNA. AVENUE.
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ADDRESS.

There is no man living anywhere, with whatever honors his life may have been crowned, to whom it would not be an added honor to be invited to address this brilliant company in this famous city on this historic anniversary.

Chicago is conspicuous among the great cities of the world for many things. In two things she stands unrivalled.

Great as she is to-day, wonderful as has been her past, yet she is, beyond all other communities, the city of the future. She may well look forward with an assured and sober confidence to the time when the scepter, which passed away from Rome, shall pass away from London also, and shall be within her grasp.

Chicago is foremost among American cities, foremost, so far as I know, among the cities of the world, in the great virtue of public spirit. If we can judge by the report of her, the citizen of Chicago seems to feel, to a degree not found elsewhere, that her honor is his honor, that her prosperity is his prosperity, and that all he is and has is at her service. It is of this temper that civic greatness is born.

Yet to a people having the right that you have to be proud of their present, and looking forward as you do with a confident courage and hope to a great hereafter, there is a peculiar and special danger. That is the danger of Provincialism, the danger of that spirit which is impatient of the authority of the past, and of the contemporary opinion of mankind. Self-satisfaction, disregard of tradition and precedent and authority, pride in being a law to themselves, these are the besetting sins of successful and self-made

men who have achieved fortune and greatness rapidly. They are likely to be the besetting sins also of cities and of States and Nations that have achieved greatness and success, as you have, with a wonderful rapidity.

There is no Provincialism like the Provincialism which confines a man to his own time. There is no intellectual dullness like the intellectual dullness which comes from the contentment of an absolute self-satisfaction. There is no man and no community so certain of failure as the man or the community to which the past can speak no lesson. But, on the other hand, reverence for the past, a mind open to the lessons taught by other countries and other places, which are in some sort to all of us as a posterity, make even an Insular and Provincial nature Continental and Imperial.

So, gentlemen, it is a sign of profoundest wisdom, it is an admirable augury of happiest omen to Chicago, that this influential Society selects the birthday of George Washington for special commemoration, and means to keep his lineaments and character before her people, especially before her youth.

It is well that such a community still makes the birthday of Washington its great anniversary. Washington, too, did his work well in his own time. He was not without proper respect for ancestry, and proper care for posterity. But he did not dwell too much on either. He was thinking always of the duty which was present and at hand. As Emerson said of him: "He was up to the top of his boots in his own meadow."

I have sometimes thought that we might improve somewhat our method of celebrating the birthdays of our heroes and statesmen. Instead of inviting some living orator, let us, as near as may be, invite the man himself to the celebration. If the people are considering some question in-

volving the public welfare, or the fate of the republic, or what, if not the same thing, are higher and dearer yet, the honor and the conscience of the Republic, let some faithful searcher gather everything the man we would honor has left us on that subject in the way of example or of precept. If the question be whether we shall enter upon a career of foreign dominion, let us celebrate Washington's birthday by recalling what he said on that subject. If the question be what constitutes lawful reason for war; or what is the duty of good citizenship when the country is in a war in which it is wrong; or what are the rights which belong everywhere to that being which we call a people; or what is the line of distinction between power and right, when a strong nation has to deal with a weak one; or whether it be lawful for one people to subdue another to its will; what consent of the governed, if any, be necessary to the exercise of just powers of government; whether there can be taxation rightfully without representation; whether men may be lawfully held in a State as subjects and not citizens—would it not be well, on Abraham Lincoln's birthday, to gather everything he said on those subjects, and what he did when charged with public responsibilities? Would it not be well on Webster's birthday, to call him up to bear his testimony as in visible presence; or, on Jefferson's birthday, to hear what he had to say about it; or, on Sumner's birthday, to listen again to the counsel of that dauntless and righteous spirit? In that way the silent lips of the mighty dead will seem ever speaking their high commands to their countrymen. In that way every generation will still live, and Washington and Webster and Lincoln may still always be present on the spots with which they were familiar in life, still sitting, still deliberating, still debating.

But I will not run that risk to-day. Washington's own words, far better than my own, would be undoubtedly his

most fitting memorial. But I might be thought to convey by indirection a condemnation of some thing or somebody which might be thought out of place in a celebration from which current politics are supposed to be banished.

There is one unerring test of true greatness, whether in literature, or in science, or thought, or action, or character. That is, that it seems to be cotemporaneous with all the generations. The Hebrew Scriptures, the essays of Bacon, the plays of Shakespeare, Homer, and Virgil, and Dante, the character and glory of Alfred and Lincoln and Franklin, Plato, and Socrates, and Cicero, and the Declaration of Independence, speak to us to-day freshly, and without loss of effect by reason of remoteness of time. They would have made a like impression in the time of the Hebrew or the Greek, or the Roman Commonwealth. They will speak with like effect hereafter in all coming time to any generation that hath ears to hear.

That is conspicuously true of Washington. If you were to read of him in Plutarch there would be no sense that he was out of place. He would still be the most perfect of Plutarch's men. If you were to read of him on the page that tells the story of Alfred or the Bruce, or St. Louis of France, or the greatest and best of the men of the Hebrew Commonwealth, there would be no feeling that he did not belong to his age, but only that there was a better and purer and greater Alfred or Bruce or St. Louis or Hebrew Monarch. So I believe there never will be a period in all coming time when a character like that of Washington will excite a sense of incongruity, or of antiquity, but only the natural feeling that a character of supreme excellence has been bestowed by God upon man.

It is the great good fortune of the people of America, especially of the youth of America, that we have for our National hero a character whom they can take as a model

of behavior in every condition, every transaction, every occupation in life. I cannot think of any question of morality, of courtesy, or noble and elevated behavior, of expediency in the conduct of doubtful and difficult affairs, which a young man or an old man could not safely answer by asking himself and telling himself what George Washington would have done in a like case. I do not know of any other nation on earth that possesses or has possessed such a model.

I need not dwell upon the vast advantage of such an example over a mere lifeless code of general rules for the conduct of life. Indeed it is not necessary to remind you here and in this presence that the Author of our religion has directed that mankind be taught Christian principles and Christian character by a great Exemplar. The power of the great religious orders in the great churches, a power which is among the wonders of history, is due largely to the example of the saints who founded them, or for whom they are named.

Now in claiming for George Washington that he was an example of all excellence which the American youth may with safety take as his model of character and conduct for every condition and every transaction in life, do not let me be suspected of falling into our National habit of exaggeration. I wish to cite a few tributes from, if not hostile, at least impartial sources of the highest authority.

There is no time to-day to cite much of the overwhelming and concurrent testimony of great Englishmen, statesmen, and writers of history, and of great authorities on the Continent, to the primacy of George Washington among mankind. The only name likely to be thought of anywhere for parallel or comparison is that in whose glory we also have an inherited title to share—that of Alfred.

We need have no misgivings about Washington. By

this time, more than a century from his death, his life at home and in public is well known. The case is all in.

“Whatever record leap to light, he never shall be shamed.”

The youth of America need not depend on American authority for an estimate of this supreme and faultless character. The great historians of other countries are not behind ours in their tributes to his greatness. Earl Russell said of him:

“Without the genius of Julius Cæsar or Napoleon Bonaparte, he has a far purer fame, as his ambition was of a higher and holier nature. In modern history no man had done such great things without the soil of selfishness or the stain of a groveling ambition. Cæsar, Cromwell, Napoleon, attained a higher elevation, but the love of dominion was the spur that drove them on. John Hampden, William Russell, Algernon Sydney, may have had motives as pure, and an ambition as unstained; but they fell. To George Washington nearly alone in modern times has it been given to accomplish a wonderful revolution, and yet to remain to all future times the theme of a people’s gratitude, and an example of virtuous and beneficent power.”

Lord Erskine, the greatest of English advocates, inscribed one of his works to Washington, declaring, “You are the only being for whom I have an awful reverence.” Charles James Fox said of him in the House of Commons, “The illustrious man before whom all borrowed greatness sinks into insignificance.” Lord Brougham, at the close of his public life, repeated the estimate he had given near the beginning of it: “Until time shall be no more, will a test of the progress which our race has made in wisdom and virtue be derived from the veneration paid to the immortal name of Washington.” And again, at another time, Lord Brougham says, “Washington was the greatest man of our own or any age.”

At another time Fox says of him: "A character of virtues so happily tempered by one another, and so wholly unalloyed with any vices as that of Washington is hardly to be found on the pages of history."

Mr. Green, the author of the history of the English people, says of him:

"No nobler figure ever stood in the forefront of a nation's life. Washington was grave and courteous in address; his manners were simple and unpretending; his silence and the serene calmness of his temper spoke of a perfect self-mastery. But there was little in his outer bearing to reveal the grandeur of soul which lifts his figure with all the simple majesty of an ancient statue out of the smaller passions and meaner impulses of the world around him. It was only as the weary fight went on that the colonists discovered, however slowly and imperfectly, the greatness of their leader, his clear judgment, his heroic endurance, his silence under difficulties, his calmness in the hour of danger or defeat, the patience with which he waited, the quickness and hardness with which he struck, the lofty and serene sense of duty that never swerved from its task through resentment or jealousy, that never through war or peace felt the touch of a meaner ambition, that knew no aim save that of guarding the freedom of his fellow countrymen, and no personal longing save that of returning to his own fire-side when their freedom was secured. It was almost unconsciously that men learned to cling to Washington with a trust and faith such as few other men have won, and to regard him with a reverence which still hushes us in presence of his memory."

No other man uttered the best thought of Scotland as it was uttered by Robert Burns. When somebody in his presence proposed the health of Pitt, I think then Prime Minister, Burns said, "I give the health of a better man, George Washington." This was not very long after Burns

had given, during the American War, the toast, "May our success in the present war be equal to the justice of our cause."

Count Herzburg, for thirty years Frederick the Great's famous minister of foreign affairs said, that Washington surpassed men in his great virtues and qualities, even the most celebrated of antiquity.

Lord Byron's tribute is well known :

Where may the wearied eye repose
 When gazing on the great,
 Where neither guilty glory glows
 Nor despicable state?
 Yes, One, the first, the last, the best,
 The Cincinnatus of the West
 Whom Envy dared not hate,
 Bequeathed the name of Washington,
 To make men blush there was but one.

"No one who has not been in England can have a just idea of the admiration expressed among all parties for General Washington. It is a common observation that he is not only the most illustrious, but the most meritorious character that has yet appeared."

Rufus King to General Hamilton, 1797.

Mr. Gladstone said that Washington was the purest figure in history. He declares :

"If, among all the pedestals supplied by history for public characters of extraordinary nobility and purity, I saw one higher than all the rest, and if I were required, at a moment's notice, to name the fittest occupant for it, I think my choice, at any time during the last forty-five years, would have lighted, and it would now light, upon Washington."

Talleyrand said of him :

"His fame is beyond comparison with that of others."

Even China has placed in his monument a stone which declares: "Can any man of ancient or modern times fail to pronounce Washington peerless?"

I will add one other tribute of exquisite beauty, from an American source. It is from the most fastidious of critics, Fisher Ames:

"Consider for a moment, what a reputation it was; such as no man ever before possessed by so clear a title, and in so high a degree. His fame seemed in its purity to exceed even its brightness. Office took honor from his acceptance, but conferred none. Ambition stood awed and darkened by his shadow. For where, through the wide earth, was the man so vain as to dispute precedence with him; or what were the honors that could make the possessor Washington's superior? Refined and complex as the ideas of virtue are, even the gross could discern in his life the infinite superiority of her rewards. Mankind perceived some change in their ideas of greatness; the splendor of power, and even of the name of conqueror, had grown dim in their eyes. They did not know that Washington could augment his fame; but they knew and felt that the world's wealth, and its empire, too, would be a bribe far beneath his acceptance."

Works of Fisher Ames, Vol. 2, p. 78.

Probably no American public man of Washington's time—certainly none who deserved the name of statesman—differed so entirely in character, mental traits, and political opinion from Washington as Thomas Jefferson. Jefferson left the Cabinet of his great chief of his own accord to become the leader of the party opposed to his policies—a party which took possession of the government four years after Washington's retirement and a little more than one year after Washington's death. But Jefferson, late in his own life, when it was suggested to him that the

fame of Washington might lessen with the lapse of years, looked up to the sky and answered: "Washington's fame will go on increasing until the brightest constellation in yonder heavens is called by his name."

So we have the right to say of him as the old Monk said of King Arthur:

"The Old World knows not his peer, nor will the future show us his equal; he alone towers over other kings, better than the past ones, and greater than those that are to be."

If you wish to make a study of this great man you will do well not to confine yourselves to any one biography. When you have read carefully the best lives of Washington you will have become familiar not only with the greatest human character in history, but with a historic epoch of large and enduring influence upon the destinies of mankind. Several historians of great distinction and of great variety of intellectual quality, but all of the first rank, have made the life of Washington their theme. You will do well to study them all, perhaps to study them all at the same time. When you deal with a great event, political or military, it may be well to have the narrative of it as told by each of these authors in the mind at the same time.

The first of these in the order of time, as in intellectual rank, is the life of Washington by John Marshall, the great Chief Justice of the United States. Marshall was a grave and serious-minded man, indifferent to the graces of style, or to the art by which an author entertains his readers and relieves the tediousness of a narrative without departing from sobriety and propriety. His account of Washington's early life and the military transactions of the Revolutionary war are lacking in spirit and picturesqueness, although absolutely trustworthy, as the character of the narrator would make us sure. Marshall's account of the political history of the country from the close of the Revolution to Washington's death in 1799, is that of a very great

statesman and Constitutional lawyer who himself had a large share in the transactions of which he has to tell. No other man who ever lived was so capable of understanding the great principles settled in that day, on which the enduring foundations of the Republic are builded. He enjoyed Washington's fullest confidence. He belonged to Washington's own State. He was a leader in the legislature of Virginia, where the struggles were almost as important as those in either House of Congress. He was one of the leaders in the Virginia Convention that adopted the Constitution, a convention on whose decision the fate of the Constitution largely depended. Washington offered him a seat in his Cabinet, which he declined. He offered him the place of Envoy to France, which he declined. He was afterward a member of Congress, Secretary of State and, as you know, Chief Justice of the United States for thirty-four years. It is hardly too much to say that but for his great judgments the Constitution of the United States could not successfully have worked in practice as a mechanism of government. But as is commonly the case with biographies written so near the lifetime of the subject, the author had not access to a great deal of the material which afterward came to light, necessary for a perfect execution of his task.

Jared Sparks, the editor of Washington's writings in twelve volumes, and also the author of a life, is perhaps unequaled among our historic investigators in the unerring accuracy of historic judgment. He lacks grace of style, enthusiasm, spirit and imagination. But he was the most conscientious and industrious of investigators. He had access not only to Washington's own papers but to the family papers of a great many of his contemporaries. He rummaged the National archives and those of most if not all of the old thirteen States, and he knew well what was important and what was unimportant. He sticks to

his fact like a mathematician. What he says is true *is* true, and you need not trouble yourself to inquire further.

Washington Irving brought to his task industry, integrity, the charm of that matchless style which makes him still accounted, so far as that is concerned, the foremost of American prose writers, or in that respect at least to share that lofty place with Hawthorne alone. Mr. Irving liked to delight and entertain as well as to instruct his readers. In his pages Washington steps down from his pedestal, and while there is nothing found which tarnishes that pure fame, the hero leaves the rank of demigods and mingles with mortal men.

Edward Everett also has written a brief life, prepared originally for the Encyclopædia Britannica, and expanded into a small volume. You can read it in two or three hours. It will repay perusal as a good summing up of the great career of the Father of his Country, although there is nothing in it to enhance the fame either of the subject or the author. It is a pity that Lord Macaulay, on whose recommendation Mr. Everett was asked to write that Memoir, could not have undertaken it himself. But if I cannot speak with enthusiasm of Mr. Everett's life of Washington, I can hardly find language to express myself, in commending to you, and to the youth of the present generation, Mr. Everett's masterly oration upon the same theme. It is, so far as I know, and, so far as I can judge, foremost among the masterpieces of eulogistic oratory in any tongue or in any generation. It was undertaken by Mr. Everett for the purpose of purchasing and preserving Mt. Vernon. It was delivered and repeated in the chief cities and large towns of the country and, with the proceeds of a few other lectures and essays by Mr. Everett on kindred subjects, yielded about ninety thousand dollars of the fund of one hundred thousand required to redeem Mt. Vernon. Mr. Everett sketches the intel-

lectual and physical character of Washington, from his splendid youth, a model of manly strength and beauty, perfect in the qualities and accomplishments of the gentleman and the soldier, but wise and thoughtful beyond his years, inspiring at the outset of his career that love and confidence which are usually earned only by a long life of service, through all the acts of that mighty drama of which he was the foremost character, the observed of all eyes, the beloved of all true American hearts, shaping and wielding the destinies of his country in her great birthtime, down to his death at Mount Vernon, in his own home, the wife of his youth by his side, amid the benedictions and the sorrow of his countrymen. The story is depicted by the marvelous genius of the great artist on a canvas that shall endure as long as the fame of Washington himself. I should like to repeat to you some of the great passages from that great oration, especially the contrast between Mt. Vernon, the simple dwelling place of America's illustrious hero and Father, the home of George Washington and Martha, his beloved, loving and faithful wife, and the splendor of Blenheim House, the monumental pile where the gratitude of England poured itself out in unrestrained lavishness upon her great warrior and victor; and the beautiful close where the orator conceives the fame of Washington passing from the narrow strip of territory fringing the Atlantic shore, which was all his country occupied when he died, from the southern plains to the western lakes, beyond the Ohio, beyond the Mississippi, along with the stupendous trail of immigration from east to west, which, bursting into States as it moved westward, was then already threading the western prairies, swarming through the portals of the Rocky Mountains and winding down their slopes to the Pacific, and then in the prophetic imagination of the orator, traveling with the Silver Queen of heaven through sixty degrees of longitude, and not parting company with her till

she walks in her brightness through the golden gate of California, and passes serenely on to hold midnight court with her Australian stars.

Mr. Everett adds that there and only there, in barbarous archipelagoes, as yet untrodden by civilized man, the name of Washington is unknown, and there, too, when they swarm with enlightened millions, new honors shall be paid with ours to his memory.

But the rich silver tones of the trumpet voice of the unequalled orator, speaking as Pericles might be conceived to have spoken to an Athenian audience in the great day of Grecian eloquence, still linger in my memory and forbid the sacrilegious attempt.

But, after all, among the e'aborate biographies of Washington the best portraiture of him in literature is the life of him by my colleague, Henry Cabot Lodge. It may be trusted thoroughly as to its facts and its judgments. A flood of light has been poured in upon the subject by the material which has been uncovered since the time of Marshall and Sparks and Irving. The memoir is full enough to tell the story of the great and important transactions of Washington's life, and still compact enough to retain its hold on the interest and attention of the reader from the beginning to the end. Mr. Lodge has a statesman's capacity to deal with and to judge of the concerns of State, the enthusiasm of an orator, the literary skill of a trained and practiced writer, and the industry of a thorough historic investigator. If you have time but for one of these biographies, I commend to you that of Mr. Lodge as, on the whole, the best, although he has to contend with such great competitors as Marshall and Sparks and Irving.

You should also make yourselves familiar, not only for a description of Washington, but as a masterpiece of splendid oratory, with the almost forgotten oration of Fisher Ames,

delivered before the Massachusetts Legislature just after Washington's death. It is a tribute of exquisite beauty, from an American source. Mr. Ames was the most fastidious of judges and of critics. But he knew Washington, in whose first administration he was, although a young man and in feeble health, a great Federalist leader. His speech on Jay's Treaty ranks with that of John Marshall on the case of Jonathan Robbins, and Webster's reply to Hayne, as one of the three greatest speeches ever delivered in either House of the American Congress. It is said that that speech and the speech of Chief Justice Marshall, which I just mentioned, are the only speeches ever made in the American Congress that converted a hostile majority on a great political question on which the House was divided by party lines. Mr. Ames's thought is profound and wise as that of Burke, his style full of life and spirit, impressive and sententious like that of the Proverbs of Solomon. Image crowds upon image in the inexhaustible fertility of his mind, keeping the mind of the hearer and the reader constantly stimulated with expectation and curiosity, and creating constant surprise and delight.

I think I ought also to commend to your attention two very remarkable addresses by the late Robert C. Winthrop. He delivered the oration at the laying of the corner-stone of the Washington Monument, July 4, 1848, and again an oration in commemoration of its completion February 22, 1885, thirty-seven years thereafter. It is a curious coincidence that he associated his name forever with the beginning and the finishing of that monument, as Mr. Webster is associated by two wonderful orations with the foundation and the completion of the monument at Bunker Hill. Mr. Winthrop's addresses are in all respects worthy of comparison with those of Webster. These four orations will stand together at the very head of that department of oratory.

When you have read these lives and read also Washington's own great addresses—his farewell to the Governors of the States when he laid down his commission in 1783; his Farewell Address when he laid down the Presidency in 1797—you will have seen Washington as he was. You will see him as if you had gazed upon a photograph of his very soul. You will know by heart the greatest man in all history; one of the very few and the greatest of the very few great men who have lived wholly for their country and not at all for themselves, and who, as a great orator says, appear in human annals “like five or six lighthouses on as many thousand miles of coast.”

It was said by Richard Steele of a beautiful and accomplished Englishwoman, Lady Elizabeth Hastings, that to love her was a liberal education. If you have studied and taken into your hearts and souls the character of Washington as depicted by these great authorities, you have a liberal education in the essentials of American citizenship. You have laid the foundation in character for anything that can be demanded of you by your country in war or in peace, for soldier, statesman, citizen.

Now in commending to you the sources by which you can possess yourself of a just conception of the great character of the Father of our Country from an original investigation, I have left little space to say anything about him from myself. But surely it is better so. What can I say which is worth saying upon such a theme? Washington died one hundred and four years ago next December, From that day to this his life and his praise have been the theme of oratory and poetry the country through, on every recurring anniversary of his birthday which, like the birthday of the country itself, is one of our two great national holidays.

The designer of the noble shaft which towers above the city which bears his name has with rare felicity designed

that emblem of the simple and majestic character of Washington. There is no ornament or sculpture or delicate carving to attract or fascinate the eye. Simplicity, grandeur, just proportion, strength, endurance are its characteristics, as they were his characteristics. It must ever take a high rank among great and majestic public works. In a clear morning, when the sky is full of light or some delicate cloud moves over its summit, far above the streets and towers and spires of the city, its shining point suggests the lines of the Englishman, Doctor Aiken, written while Washington was yet living:

Point of that pyramid, whose solid base
Rests firmly founded in a Nation's trust,
Which, while the gorgeous palace sinks in dust,
Shall stand sublime, and fill its ample space.

Think how poor were Washington's resources! During a large part of the time when he was besieging the British army in Boston, he had scarcely powder enough to fire a salute. His few cannon had been dragged by oxen across New England from Ticonderoga. He had no money to pay his soldiers; no drill-officers to teach his raw recruits military discipline; no military text-books for his engineers. His life was almost a solitude amid the jealousies and strifes which existed in that day, in quite as large degree as now, among his generals and officers, and (what has happily passed by now), among the troops of the different colonies. The inexhaustible pecuniary resources of England promised an inexhaustible supply of troops, native or mercenary. His great antagonists had the support of a powerful navy. I would not undervalue the navy of the revolution, whose great service to the cause of independence has been so much overlooked. Indeed, it is doubtful whether without it the war for liberty could have been brought to a successful close. But its chief service was in destroying English commerce and not as an

aid to our military operations. So in the time of framing the Constitution and in administering the government for the first eight years, Washington had nowhere to look either for example or for instruction. All the paths he trod had to be broken out by himself and his great companions and associates. We who find our path broken, macadamized, leveled, blazed by the sure and safe precedents of one hundred and twenty-five years can hardly understand the difficulties which beset Washington. And yet, in his whole life, from the time when, but a youth of twenty-four, he gave his wise but vain counsel to General Braddock, and brought home all the laurels of that most disastrous expedition, to the time when, full of years and honors, he left to his countrymen his Farewell Address—that almost inspired political Bible, the adherence to which ever has brought and ever will bring to us safety, prosperity, and glory, the departure from which is the path to danger, ruin and shame—he never made a mistake and never gave unwise counsel to his countrymen.

There are some characters, unhappily few, of whom we never think as struggling with or conquering temptation. Sin did not beset them. I suppose this was never yet literally and perfectly true of any man or woman. Yet it was as nearly true of George Washington as of any man or woman. Integrity, unselfish and unambitious service, industry that sought no repose while it remained to be done, unhesitating self-sacrifice, purity not only unsullied but untempted, were all his. The temptation to evil never seems to have beset that lofty nature, nor besieged that impregnable fortress. The Devil is an ass. But he never was such an ass as to waste his time tempting George Washington.

Washington's style, in general, is somewhat artificial, with a little tendency on ordinary occasions to the somewhat inflated, latinized diction of which Doctor Johnson

had set the fashion in his time. But he rises often, when he forgets the language and is intent on the thought, into a noble and vigorous speech. Some of the best examples of good English are to be found in the untutored speech and writing of boys. Washington compiled or copied or composed, in early youth, a series of rules of behavior in company and conversation which ends with a maxim certainly not to be improved upon either in style or substance: "Labor to keep alive in your breast that little spark of celestial fire—conscience."

Mr. Winthrop, with that *curiosa felicitas* both of thought and phrase, for which he is unsurpassed among the orators of the generation which has just left the stage, said in his last great public address, speaking to the youth of the country: "Keep ever in your mind and before your mind's eye the loftiest standard of character. Strive to approximate that lofty standard, and measure your integrity and your patriotism by your nearness to it or your departure from it. The prime meridian of universal longitude on sea or land may be at Greenwich or at Paris or where you will. The prime meridian of pure, disinterested, patriotic, exalted human character, will be marked forever by yonder Washington obelisk."

Washington's virtues were the corner-stone virtues. They were the virtues which lie at the foundation of all civil society as well as of noble individual character. It is not these which commonly excite the imagination or strike the fancy. It is not these which delight audiences in the portrayal. Poets celebrate the beauty of the morning, the Assyrian sunrise and the Paphian sunset, the fragrance of the rose, the verdure of the grass, the softness of the gale. They do not write odes to gravitation or to mathematics, or to order, or to the great laws which preserve health. So we do not find that veracity, judgment, prudence, disinterestedness, justice, sobriety, stir the blood

and quicken the pulse when we talk of them. But they are the virtues to which human life owes its safety and human society its civilization.

I would say it in all reverence (surely we have a right to say it), if it be true that God has made man in his own image, and if it be true that divinity has come to the earth to be an example to humanity, then it is not impious for us to claim that humanity has sometimes attained something of the divine image in which it was created, and has been able to copy the divine Example to imitate which it is invited. The virtues of Washington are the virtues which we ascribe in our humble, imperfect and faraway conception to divinity.

Think of his absolute veracity! He conducted with his own hand a vast correspondence, enough to tax to its uttermost the strength of mind and brain and body of an athlete even if he had had to bear no other burden of public care. His published correspondence fills many large volumes, and there is a great deal, I suppose, still unpublished. But there is not a trace of duplicity, of concealment, of saying one thing to one man and another to another, of assurances of respect or goodwill that do not come from the heart, such as, I am sorry to say, disfigure the correspondence of some of his famous and honored cotemporaries. The little fable invented by Weems, his enthusiastic biographer, has become the standing jest of many a generation of irreverent boys. But nobody ever doubted or ever will doubt that George Washington could not tell a lie, could not act a lie, could not think a lie; that a lie could not live in his presence, or that all falsehood and dissimulation would slink abashed and confounded from the gaze of those pure eyes and from that perfect witness.

"I do not remember," said Washington in 1786, "that in the course of my life I ever forfeited my word, or broke a promise made to any one."

“I never say anything of a man that I have the smallest scruple of saying to him.”

This virtue of absolute veracity deserves to rank highest among those which our humanity can attain. Men of all civilized nations pay an unconscious tribute to it when they resent the imputation of falsehood as even a greater affront than the charge of cowardice. Indeed falsehood is the very essence of cowardice. The man who lies, lies, usually, because he is afraid to tell the truth, because he does not dare to stand by his action or his thought. The great nations of history, the great characters of history, are those who are most famed for the supreme virtue of truth. The only heroes of the nation from whom we derive our own lineage, who deserve to be named in the same day with Washington are the Englishman King Alfred, and the Irishman, the Duke of Wellington. King Alfred was called “the truth teller.” Wellington was called the truth lover.

Truth-teller was our England's Alfred named.
Truth-lover was our English Duke.

He had a weighing and balancing mind. His intellect was like a pair of accurately adjusted scales. He did not often, especially in civil affairs, originate the policies upon which he acted. But he listened carefully and patiently to every counsel from which he could get instruction, and then brought it in the end to the sure test of his own unerring judgment. He weighed the advice of his great counsellors, the claims of contending parties, and of Jefferson and Hamilton and Adams and Pickering, in a balance as infallible as the golden scales which the Eternal hung forth in Heaven.

“Betwixt Astrea and the Scorpion sign”

in which, according to Milton, the arch-rebel read and knew his fate.

There are young men before me who I am sure aspire to take hereafter an honorable part in the service of the country. You have not received the priceless advantage and blessing of American citizenship as beggars or mendicants who receive a benefit which they never return. What your country has given you you mean to return again to her. You mean, in the simple language of the oath taken by the humblest official, "to defend her against all enemies, foreign or domestic." The foreign enemy is not likely to put your manhood to any severe proof, or it will be a proof of your physical courage alone. The enemy that will demand your moral courage for the encounter is the domestic enemy. He will appear under many names, in various guise. But the unerring test by which you will detect him will be by comparing his principles, purposes and character with those of George Washington. If any man tell you that the counsels of George Washington have grown musty and rusty; that they are not for large nations, but only for little ones; that, as a great newspaper said the other day, a man who is now in the company of George Washington is in bad company, because his policies and counsels are bad for the America of the present day—mark and distrust that man as the domestic enemy of your country. He may be sincere; he may be misguided; he may be carried away by a spasm of popular excitement; he may be obeying the behest of party. But, none the less, indeed all the more for that, is he the dangerous enemy of the peace and prosperity of the United States.

Mr. Everett's great oration, of which I spoke just now, was delivered in the few years preceding 1860, when the angry threatenings of civil war and disunion were heard all round our national horizon. Mr. Everett called upon his countrymen, as it seemed for a time, in vain, to forget, to turn a deaf ear to these unpatriotic counsels, to this

mad cry of treason and disunion, and return once more to the patriotic counsel of Washington. It seemed, for a time, as if the appeal were unheeded. But the spasm of popular madness and rage passed by, and Washington resumed his place again as our supreme counsellor and leader. He became once more the example and idol of every American soldier and statesman, and the Farewell Address became once again the political Bible of every American. Doubt not that this shall happen again and again. Other temptations will come to us, and party spirit, like Satan sitting at the ear of Eve, will speak again its baleful counsel in the ear of the people. Popular excitement will be kindled by the lust of empire and passion for conquest. The eyes of the people may be dazzled for a time by a false and tinsel military glory. But while the portrait of Washington hangs in every village; while his statues adorn our chief cities; while his monument is found in every State; while his life is on the shelf of every home; while the detail of his great career is studied in every university; while his image is in the heart of every youth, the people will come back again to the wise, sober and just counsel in following which lies the path to a true glory and a true safety. The American people will never long go astray so long as to every great question of national policy or national duty they know what Washington would have said, and know what Washington did say.

If any man would test, as with a touch-stone, any party or political war-cry of to-day, let him think before he grow too enthusiastic if he can imagine George Washington uttering it. If he can, he is safe enough to utter it himself. If he cannot, he had better try to find another.

Who ever thinks of George Washington as stopping to consider popularity or public sentiment or political or personal advantage to himself by pleasing the people when he

had to determine a question of duty? He was as unmoved by the breeze of popular opinion as the summit of the mountain that bears his name. It is for that reason that the reverence in which his countrymen hold him is as enduring and as unshaken as the mountain summit.

I am no blind worshipper of the Past. I do not believe that Renown and Grace are dead. I am no pessimist or alarmist. I am certainly no misanthropist. While there are many men who have served their country better in their generation than I have in mine, I yield to no man in love for the Republic, or in pride in my country, and in my countrymen who are making to-day her honorable history. We may err in our day. Our fathers erred in theirs. Yet our generation is better than those who went before it. The coming generations will be better than we are. The Republic where every man has his share in the Government is better than the Monarchy, or the Oligarchy, or the Aristocracy. Our Republic is better than any other Republic. To-day is better than yesterday, and to-morrow will be better than to-day. But while each generation has its own virtues, each generation has its own dangers, and its own mistakes, and its own shortcomings.

The difference between the generations of any country with a history is commonly not one of principle, but of emphasis. The doctrine of 1776, when we won our independence, planted our country on the eternal principles of equality of individuals and of nations in political rights, and declared that no man and no people had the right to judge of the fitness of any other for self-government. In 1787 the Constitution was builded on the doctrine that there were domains within which the Government had no right to enter, and that there were powers which the people would not commit to any authority, State or National. The doctrine of 1861 and the years which followed, declared the natural right of every man to his own freedom, what-

ever might be his race or color; and the natural right of every man to make his dwelling wherever on the face of the earth he might think fit. These truths will, perhaps, be accepted to-day as generally as they were accepted then. But if accepted at all they are accepted by the intellect only, and not by the heart. They are not much talked about, except to ridicule them, to refine about them, or to find some plausible reason why they should not be applied.

The orator of to-day puts his emphasis on Glory, on Empire, on Power, on Wealth. We live under, and love, and we still shed our heart's blood for the same flag which floated over our fathers, and for which they were ready to die. But it sometimes seems that the flag has a different meaning, whether it float over the Capitol or the ship of war, or the regiment on the march, or the public assembly. We no longer speak of it, except coldly and formally, as the symbol of Liberty; but only as the symbol of power, or of a false, cheap, tinsel glory.

I think the popular reverence for Washington, and Lincoln, and for Sumner, and for Webster, is not abated. But yet few political speakers quote to-day the great sentences which made them so famous, or the great principles to which they devoted their lives.

While, as I said, I have a profound respect for the opinion of my countrymen, it is not for that opinion formed in excitement or in haste or under pressure of political necessity. It is for the opinion formed, as Washington formed his, soberly, quietly, calmly, through sober, second thought.

There is scarcely a shabby or sorry story of any country, certainly in the history of free nations, which is not a story of a popular delusion in which for a time nearly the whole community shared. The martyrdom of Socrates, the massacre of St. Bartholomew, the persecution which drove the Pilgrims to Leyden, the witchcraft delusion, the

Compromise measures, the brief rise and spread of Know-Nothingism, all represent completely the desire of the people for the time being.

There have been many such delusions in the history of the American people. But, so far, the American people have outgrown them, have repented of them, and have atoned for them. Indeed we can hardly lament that they have happened, when we think that if they had not happened the sublime repentance and atonement also would not have happened. We may lament the long and gloomy and terrible years of Slavery and of Rebellion; and yet without Slavery and Rebellion we should have never known the heroism of the American people, or the quality of our splendid youth of 1861. We cannot explain why it is that an omnipotent and benignant Providence has suffered evil to exist in the universe He has created. But at least this is true. Without evil there could have been no virtue; without the possibility of sin, there could have been no possibility of righteousness; without the Athenian mob, there could have been no Socrates; without George III and Lord North, there could have been no Washington; without Slavery and Rebellion, there could have been no Lincoln.

Another lesson the Republic may learn from Washington is its sensitiveness to the individual touch. I do not think that it would be true if I were to say that the moral power of a single will and a single character is as strong in a popular Government as in a Monarchy or a Despotism. But I am sometimes tempted to say so when I think of the many instances where the whole current of our history has been turned by one man.

I should like, if I had time, to give a great many examples, easily to be found, where the fate of a nation, and many more where the fate of a generation has depended upon the will and the purpose and the character of a sin-

gle individual. Many of Washington's contemporaries believed that but for the confidence felt in him the conflict with England could not have been maintained. Mr. Jefferson, I think it was, said later: "We can all hang together, so long as we have you to hang to." It does not seem likely that the great political revolution which overthrew the Federal party after its twelve years of power, could have been accomplished but for the individual skill of Jefferson. I suppose most lawyers agree that but for the interpretation of the Constitution, supported by the great Judge Marshall, and carried into effect by his authority, the mechanism of our Constitution would have failed. The spot where I am now speaking would, in my opinion, as I think can be clearly established, have been at this moment part of a great slave-holding Empire but for the far-reaching sagacity and untiring energy of Rufus Putnam, the founder and father of Ohio, who put a new life into the dead Ordinance which consecrated this region to religion, education, and Liberty, and himself led the first colony down the Ohio to Marietta. There have been in our own day great measures pregnant with history, and with the fate of parties, won or lost by a single vote.

Washington is by no means the only conspicuous example in history, God be thanked, of a man whose public conduct was determined absolutely by the sense of duty. But he is the most conspicuous and lofty example. He is the best example of absolute conscientiousness accompanied by unerring wisdom in a place of power, where his action determined the fate of a nation, and was successful in achieving the most fortunate results.

The fate of the nation depends in the last resort on individual character. Everything in human government, like everything in individual conduct, depends, in the end, upon the sense of duty. Whatever safeguards may

be established, however complicated or well adjusted the mechanism, you come to a place somewhere where safety depends upon somebody having the will to do right when it is in his power and may be his interest to do wrong. When the people were considering the adoption of the Constitution of the United States, one of our wisest statesmen said that the real and only security for a Republic is when the rulers have the same interest as the people. If they have not, constitutional restraints will break down somewhere, except for the sense of duty of the rulers.

All elections depend upon this principle. You may multiply election officers and returning boards, you may provide for an appeal to courts of first resort or last resort. But in the end you must come somewhere to a point where the sense of public duty is stronger than party spirit, or your election is but a sort of fighting, or, if not that, a sort of cheating. The same thing is true of the individual voter, or of the legislator who is to elect the Senator, or the governor who is to appoint the judge, or the executive officer, or the judge who is to interpret the Constitution or the statute and decide the cause, or the juror who is to find the fact. On these men depend the safety and the permanence of the Republic. On these men depend life, liberty, and property. And yet each of them has to make that choice. Each has to decide whether he will be influenced by ambition or by party spirit or the desire for popular favor or the fear of popular disfavor or the love of money, on the one side, or by the sense of duty on the other.

So, in the last resort, the destiny of the Republic, like the destiny of the individual (and, in the case of an individual, character and destiny are the same thing), depends upon individual will. Will the individual will choose what is right and not what is wrong? Now this choice is largely affected by what we call strength of will;

by that habit of the soul which enables man to adhere to its deliberate purposes and principles, formed when reason is unaffected by passion or by desire, against the pressure and excitement of an immediate demand; that character of will which, as Wordsworth says in his "Happy Warrior"—

"in the heat of conflict keeps the law
In calmness made, and sees what it foresaw."

The great single purpose of moral education, must be to induce the will to adhere to its general, permanent and deliberately conceived purpose, in spite of the motives which appeal to it with special strength at the time of the choice or action. In other words, to give a strength to resolution which will overcome the strength of temptation.

Of course, the first and perhaps the greatest thing to be accomplished is to get habit upon the side of virtue. "Happy is the man whose habits are his friends." To Washington no duty, however obscure, was unimportant, and no deviation from duty, however trifling, was possible.

I said just now, quoting from a great orator, that a few great men who have lived wholly for their country and not at all for themselves, and who alone can be thought of for comparison with Washington, appear in human annals like five or six lighthouses on as many thousand miles of coast. Even to complete that list men must go to Roman or Grecian story, where you cannot verify the record. How much of their glory Plutarch's characters owe to Plutarch, no critic can tell you to-day.

All the great men of antiquity, who in the boldest imagination might be compared with Washington, failed in accomplishing their desire for their country. Epaminondas died in battle. Socrates died by public sentence. Aristides was ostracized and banished. Cato died a suicide and an exile. The destruction of the Republic he served speedily followed the death of each.

In later times Wellington was the instrument of saving Europe from the ambition of Napoleon. He was a high example of sincerity and strength and unselfishness in peace. But he had at his command the resources of a great Empire, and the indomitable English military spirit, indomitable from the beginning of her history save by the power which Washington organized and led. No man can doubt that with Wellington's resources Washington could have accomplished Wellington's results. No one can say that with Washington's resources Wellington could have accomplished the results of Washington.

But his achievement in war is the least of Washington's title to glory. Through his influence a great Republic was constructed and inaugurated on principles unknown until his time to history. He laid the foundation of our Empire not on military strength, but on Liberty and Law. The Constitution framed by the Convention over which he presided, which would not have been adopted but for his influence, and which he inaugurated, was a new and untried experiment, without either example or model in human history. Wellington, on the other hand, was a defender of the existing order of things. Many an abuse and injustice was prolonged through his influence.

No American, I think no lover of virtue anywhere, would seek to diminish or to darken the glory of Alfred, that "King to Justice dear"—

"Mirror of Princes, indigent renown
Might search the starry ether for a crown
Equal to his deserts."

The glory of Alfred is ours also. The laws he gave have come down to us. We are of the blood and lineage of the country where for more than a thousand years the descendants of the great Saxon have occupied the throne. We have certainly no desire to cultivate that temper which, when-

ever goodness or greatness anywhere be mentioned, is eager always to declare that something or somebody else is better. But the witnesses whom we have cited, who declared Washington's primacy among mankind, are English witnesses of the highest title to be believed. Not one of them has given his judgment without considering the name of King Alfred.

We may concede to King Alfred perhaps an integrity and an unselfish devotion to his country unsurpassed even by that of Washington himself. But it is to be remembered that the difficult task of rallying the people of England to the expulsion of a band of piratic invaders, was far less than of sustaining a civilized warfare for eight years against the fleets and armies and inexhaustible treasure of Great Britain. When Alfred won his throne he gained a kingly power. He had a kingly power at his command. He had not, as Washington had, to reconcile hostile factions, to bring into accord jealous and rival States, to inaugurate a Government, the like of which was to that time unknown to the experience of mankind. We can not only believe, we can be sure that in Alfred's place Washington would have accomplished everything that Alfred did. No man can be sure that in Washington's place Alfred would have been able to accomplish what Washington did.

One figure remains, and one alone, who in the opinion of mankind may share with Washington his lofty pinnacle. His is an American name also; a name among the priceless treasures of the great State within whose borders we come together.

Never were two men more unlike in every lineament that made up their mental and physical portraiture than George Washington and Abraham Lincoln. They seemed to come to the same high place from opposite quarters and by diverse paths. Washington, with his quiet and grave manner, with his seriousness, his earnestness, with the

stately beauty and dignity of his person and behavior, has been claimed by Englishmen as an admirable example of an Englishman. The awkward and ungainly Lincoln, with his wit and his jesting and his homely proverbs, his stories as pithy and to the point as the fables of Æsop, his shrewd management of men, his tenderness, his knowledge of human nature in every variety and condition, was, if ever man was, a typical American. Washington was a born Aristocrat, who had learned by the experience of life the justice and the beauty of Democracy. Lincoln was the child of the people, who had learned by the experience of life the value of order and strong Government.

“His was no lonely mountain peak of mind
 Thrusting to thin air o’er our cloudy bars,
 A sea-mark now, now lost in vapors blind;
 Broad prairie rather, genial, level-lined,
 Fruitful and friendly for all human kind,
 Yet also nigh to heaven and loved of loftiest stars,
 Nothing of Europe here,
 Or, then, of Europe fronting mornward still,
 Ere any names of Serf and Peer
 Could Nature’s equal scheme deface
 And Thwart her genial will;

He knew to abide his time,
 And can his fame abide
 Still patient in his simple faith sublime,
 Till the wise years decide.”

Washington had little poetry or imagination in him. He accepted and lived by the simplest maxims of morals and duty. He did not seem to care for the great things in literature or poetry. You do not find him quoting the noble sentences of the Declaration, although he did so much to make it real. Lincoln was an idealist. He was penetrated to the very depth of his soul with those eternal idealities. They moved and stirred him like a note of lofty music. But yet to his mind they were as real and practical and undoubted as the multiplication

table, or the Ten Commandments. No Republic could live long, or deserve to live long, that was not founded on them. He declared on that fateful journey to Washington, on his way to be inaugurated, that he was willing to be assassinated, if need be, for the doctrine that all governments derive their just powers from the consent of the governed, and that no man, and no people, had the right to judge of the fitness for self-government of any other. And he was assassinated for it.

Each of these men embodied what was best in his countrymen in his generation. Each was the first citizen among a people who were like him. Each wrought in accord with his time. Washington more than any other man was the creator of a nation, of which Lincoln, more than any other man, was the Saviour. It will be for a later generation, not for us who remember Lincoln, to assign the precedence to either. Of one thing we may be sure, knowing the modesty so characteristic of both, that each, were he consulted, would yield the palm to the other.

Washington was a good neighbor and friend, hospitable and charitable. He loved his Mother and his Wife, and his kindred. He had companions and counsellors and correspondents. And yet, and yet, in spite of it all, he seems to me with his austere sense of duty and his freedom from all disturbing influences and attractions, to have dwelt in a solitude—

“Like as a ship, that through the ocean wide,
By conduct of some star doth make her way.”

But after all, Washington has but one lesson for us; one lesson for the country; one lesson for each of his countrymen. It is the old lesson, older than history, old as Creation. That is that Justice, Veracity, Unselfishness, Character, lie at the foundation of all National and all Individual Greatness. Justice and Freedom are the Par-

ents of Fate. To the larger and surer vision there is no such thing as Fortune. Where these are we have no need to concern ourselves with what the day may bring forth. The product of the eternities will be secure. The cosmic results will be the same, whatever the daily event may be. It is to this that the story of George Washington is a perpetual witness to his countrymen. It will be their fault if they do not make their country its perpetual witness to mankind.

1903

AN ADDRESS

DELIVERED BY

UNITED STATES SENATOR

GEORGE F. HOAR



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THOMAS JEFFERSON.

“THE AUTHOR OF THE DECLARATION OF INDEPENDENCE.”

An Address delivered on April 13, 1903, by United States Senator George F. Hoar, at Hotel Barton, Washington, D. C., at the banquet given under the auspices of The Thomas Jefferson Memorial Association to celebrate Jefferson's Birthday.

IF we want a sure proof of Thomas Jefferson's greatness it will be found in the fact that men of every variety of political opinion, however far asunder, find confirmation of their doctrine in him. Every party in this country to-day reckons Jefferson as its patron saint. In my youth the political Abolitionists made appeals to Jefferson the burden of their song. In the late discussion, which rent the country, about the Philippine Islands, one side quoted what Mr. Jefferson said in the Declaration of Independence, and the other what they thought he did, in the acquisition of Louisiana. I do not know of any other American of whom this is true,

Patron Saint of every party.

Thomas Jefferson

unless it be that the different schools of theology and ethics seem inclined to do the same thing just now as to Ralph Waldo Emerson.

Fountain of political doctrine. I can think of no other man in history, like Jefferson, leader as he was of two Revolutions and founder of a political party; one of which accomplished the independence of his country from a foreign yoke, the other overthrew by peaceful means the party at home which had been founded by Washington, and his great companions and counselors, of whom such a thing as this can be said. Every political sect finds its political doctrine in Jefferson, almost as every religious sect finds its doctrine in the Saviour of mankind.

Claimed by advocates of State Rights, Abolitionists, Free Traders and Protectionists. The friend of State rights calls attention to the fact that Jefferson spoke of the Government of the United States as the "agency at Washington." The Abolitionists quote the great Declaration and his famous utterance against slavery: "I tremble for my country, when I reflect that God is just." The supporter of a protective tariff claims him as the highest protectionist in our history, appealing to his desire that there might be a "wall around our country which should keep out all foreign manufactures." The free trader maintains that the spirit of everything he said and everything he did teaches the doctrine of unlimited freedom in all human conduct, except so far as may be needful for the restraint of actual crime.

The mighty figure of Thomas Jefferson comes down in history with the Declaration of Independ-

Thomas Jefferson

ence in one hand, and the title deed of Louisiana in the other. He acquired for his country a territory of 1,171,931 square miles, now fifteen States, to be hereafter the seat and centre of empire certainly of this continent, and, as we confidently believe, of the world. Yet I believe, in the estimate of mankind, that achievement is insignificant compared with the other.

The author of the Declaration of Independence stands in human history as the foremost man who ever lived, whose influence has led men to govern themselves in the conduct of States by spiritual laws. That was Jefferson's mission—to teach spiritual laws. Observe that I say spiritual laws, not spiritual truths merely, not formulæ to be assented to, but rules of life to be governed by and acted upon.

It was due to Jefferson that our fathers laid deep the foundation of the State in the moral law. They first set to mankind the great example, and exhibited the mighty spectacle—the sublimest spectacle in the universe—of a great and free people voluntarily governing itself by a law higher than its own desire.

The doctrine of the Declaration was by no means new or original. Much of it is to be found in the prose writings of Milton. More than a hundred years before Milton said: "No man who knows aught, can be so stupid as to deny that all men were naturally born free; born to command and not to obey. They agreed by common league to bind each other from mutual injury and jointly to defend themselves against any that gave disturbance or opposi-

Jefferson
the fore-
most man
who ever
lived.

Example
of a free
people
governing
itself.

Doctrine
of the
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dence.

Thomas Jefferson

tion to such agreement. Hence came cities, towns and commonwealths. This authority and power being originally and naturally in every one of them, and unitedly in them all, they communicated and derived to one or more than one. The first was called a king; the others magistrates. Not to be their Lords and Masters, but to be their deputies and commissioners. It follows that since the king or magistrate holds his authority of the people, for their good in the first place, and not his own, then may the people as oft as they shall judge it for the best either choose him or reject him, retain him or depose him, though no tyrant, merely by the liberty and right of free-born men to be governed as seems to them best.

“That governors are not lightly to be changed is true with respect to the people’s prudence, not to be the king’s right.

“Nature teaches us to bear with oppression so long as there is a necessity for so doing.

“What the people may lawfully do against a tyrant no man of clear judgment need go further to be guided than by the very principles of nature in man.”

Was
Jefferson
inspired
by the
prose
writings
of Milton?

Jefferson’s Declaration ended by the declaration that, as our British brethren had been deaf to the voice of justice and consanguinity, we must acquiesce in the necessity that denounces our separation, and hold them as we hold the rest of mankind, enemies in war; in peace, friends.

Milton thus ends his lofty affirmation:

“He therefore that keeps peace with me near or

Thomas Jefferson

remote, of whatever nation, is to me as far as all civil and human offices an Englishman and a neighbor, but if an Englishman forgetting all laws, human, civil and religious, offend against life and liberty, to him offended and to the law in his behalf, he is not better than a Turk, a Saracen, a heathen.”

If we are to trust abundant tradition, indeed if we are to take Jefferson's evidence, found in the correspondence where he poured out his heart to his intimate friends, he was by no means free from the faults common to his time—common to humanity in all time. He was no hypocrite. He made no pretense to be a saint. He liked political power and popularity. He had a natural and honorable aspiration for the affection and good will of his countrymen. He probably would not have said of himself as Washington did, that he never said of a man what he would not say to him. But more than any other statesman down to his time—more than any other statesman I can think of—save Lincoln alone—he had a steadfast and abiding faith in justice, righteousness and liberty as the prevailing and abiding forces in the conduct of States, and that justice and righteousness were sure to prevail where any people bear rule in perfect liberty. He accepted this doctrine with an unhesitating confidence. He never failed to proclaim it on all occasions. For it he was ready to encounter unpopularity, poverty, if need be, imprisonment and exile. Upon it, as on a cornerstone, he laid the foundation of the Republic.

**Jefferson's
doctrine
laid the
foundation
of the
Republic.**

Thomas Jefferson

He was sometimes charged with dissimulation in the conduct of ordinary politics. I think it will be found, on thorough investigation, that that notion took its rise from the sweet and kindly courtesy, and the affectionate nature which liked to be on good terms with every human being. But however that might be, he never failed to utter his opinion where freedom and justice were concerned whoever might be hurt or whoever might be angered. In the midst of slaveholding Virginia he was wont to speak of the cause of the abolition of slavery as "the sacred side" and to say that he looked to the young for its accomplishment.

So far as appears, he took little pride in anything else that he accomplished in his long life, great as were his other services to his country. He was Secretary of State. He was Governor of Virginia. He was Minister to France. He was Vice-President. He was President. He acquired Louisiana. Yet, when he gave direction for his own epitaph, he cared to have none of these things remembered. The simple inscription on his tomb at Monticello sums up in his language as no other orator can, the character and career of Thomas Jefferson.

"Here was buried Thomas Jefferson, author of the Declaration of American Independence, of the Statute of Virginia for religious freedom, and father of the University of Virginia."

Political freedom, religious freedom, and the education that makes these possible and safe were the ends for which he strove, the monuments by which

His sweet
and kindly
courtesy.

Author of
the
Declara-
tion of
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father of
the Uni-
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Virginia.

Thomas Jefferson

he desired to be remembered. Neither power, nor honor, nor office, nor popularity, nor fame entered into the mighty heart or stirred that mighty soul.

I remember in my youth that a brilliant writer undertook with some success to caricature Daniel Webster, although it was a rather audacious attempt. He represents Mr. Webster as saying: "The common opinion in the eastern hemisphere is so and so—I differ from this eastern hemisphere." That was not so unreasonable a thing for Daniel Webster to say. But if Thomas Jefferson had said it it would occur to no man that it was either extravagant or presumptuous. Thomas Jefferson was one of those men who can differ from hemispheres, from generations, from administrations and from centuries with the perfect assurance that on any question of liberty and righteousness, if the opinion of Thomas Jefferson stand on one side and the opinion of mankind on the other, the world will, in the end, come around to his way of thinking.

The American people, favored beyond any other in many things, is favored especially in its great anniversaries. There is no other nation that celebrates such things as we do. There is no other nation that has such things to celebrate. The landing of the Pilgrims; the Fourth of July; the Nineteenth of April; the Birthday of Washington; the Birthday of Lincoln; the Birthday of Jefferson, and, I hope hereafter, the founding of the Northwest and the Louisiana Treaty—these are not only great events

Great events in the history of the country and of universal liberty.

Thomas Jefferson

in the history of our own people, but they are great events in the history of liberty. I have named eight. Six of them are already established holidays, either by law, or in a habit of the people powerful as law. Three of those—one of them perhaps the foremost and most generally observed of all—belong not only to the history of the country and of universal liberty, but to the life of Thomas Jefferson.

Geo F Howard

61700

THE CHARACTER OF WASHINGTON

AN ADDRESS BY

SENATOR GEORGE FRISBIE HOAR

BRING HIS LAST PUBLIC UTTERANCE, DELIVERED
JUNE 17TH, 1904, AT THE ENGLISH HIGH
SCHOOL HALL, IN WORCESTER,

TOGETHER WITH OTHER SPEECHES,

AND AN ACCOUNT OF THE EXERCISES

UPON THE OCCASION OF THE PRESENTATION OF COPIES OF THE STUART
PORTRAIT OF WASHINGTON TO THE PUBLIC SCHOOLS
OF WORCESTER BY THE

SOCIETY OF THE SONS OF THE REVOLUTION

IN THE

COMMONWEALTH OF MASSACHUSETTS

Transcribed from the records of the Historian of the Society



GEORGE FRISBIE HOAR

Born August 29, 1826.

Died September 30, 1904.

The Character of Washington.

AN ADDRESS BY

SENATOR GEORGE FRISBIE HOAR,

BEING HIS LAST PUBLIC UTTERANCE,

WITH OTHER SPEECHES,

DELIVERED JUNE 17TH, 1904. PUBLISHED FROM THE STENOGRAPHIC

NOTES OF MISS M. LOUISE JACKSON.

BOSTON :
PUBLISHED BY THE SOCIETY,
1904.

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The City of Worcester, having accepted from the Society of the Sons of the Revolution in the Commonwealth of Massachusetts, the gift of a number of engraved copies of the Stuart portrait of Washington, to be placed in all the principal public school buildings of the city, at the suggestion of the School Committee exercises were held, and the presentation took place, on the afternoon of Friday, June 17th, 1904, at the English High School Hall.

Senator George Frisbie Hoar, a member of the Society, was present, and, although by reason of the condition of his health, not originally assigned to speak, made a brief address in response to the request of the chairman which proved to be one of his most interesting, eloquent and delightful,—and which, alas! was the last public utterance of that eminent man.

The historian of the Society being charged with the duty of recording such events, had arranged for a stenographic report of the entire proceedings which the Society now publishes as a memorial to its distinguished member. Senator Hoar spoke upon the character of Washington, a subject which he was abundantly qualified to discuss, without the impediment of a manuscript, or the least indication of any abatement of his extraordinary powers. His apt wit, discriminating analysis, just characterization, fund of anecdote and grace of diction were never more in evidence. The brief speeches which had preceded served but as a setting to his,—a sparkling gem of oratory, worthy of any place or any treasury. As he said in closing, the occasion was one of the most beautiful and successful he had ever known.

At the conclusion, how few of his auditors realized that his last public utterance had been made; that the eloquent lips would all too soon be silent; but what more fitting subject could have been chosen for the last words of any American orator than his theme, "The Character of Washington."

EBEN FRANCIS THOMPSON.

WORCESTER, MASS., October 18, 1904.

EXERCISES ON THE OCCASION OF THE PRESEN-
TATION OF COPIES OF THE STUART
PORTRAIT OF GEORGE
WASHINGTON.

As a result of the acceptance by the City of Worcester of the offer of the Society of the Sons of the Revolution to present framed copies of the Stuart portrait of Washington for all the principal public school buildings of Worcester, Committees of Arrangements and Reception were appointed as follows :

On the part of the School Committee :

CHARLES R. JOHNSON, ESQ., *Chairman,*

REV. VINCENT E. TOMLINSON,

WILLIAM H. COOK, ESQ.,

HOMER P. LEWIS, ESQ.,

DR. LOUIS P. DE GRANDPRE,

DR. FRANCIS A. UNDERWOOD,

JOSEPH BEALS, ESQ.

On the part of the Sons of the Revolution :

HON. STEPHEN SALISBURY, *Chairman,*

SAMUEL S. GREEN, ESQ.,

EBEN F. THOMPSON, ESQ.,

GEORGE B. INCHES, ESQ.,

GEN. FRED W. WELLINGTON,

HON. WILLIAM T. FORBES,

J. RUSSEL MARBLE, ESQ.,

HON. DANIEL KENT,

JOHN H. COES, ESQ.,

FRANK A. LELAND, ESQ.

On June 17th, at 2.30 P. M., the following gentlemen met in the office of his Honor the Mayor, Walter H. Blodget, as a reception committee :

HIS HONOR THE MAYOR, WALTER H. BLODGET,
CHARLES R. JOHNSON, ESQ., Chairman of School Committee,
REV. VINCENT E. TOMLINSON,
WILLIAM H. COOK, ESQ., and
DR. LOUIS P. DE GRANDPRE, of the School Committee,
HON. STEPHEN SALISBURY,
HON. WILLIAM T. FORBES,
J. RUSSEL MARBLE, ESQ.,
HON. DANIEL KENT,
EBEN F. THOMPSON, ESQ.,
JOHN H. COES, ESQ.,
GEN. FRED W. WELLINGTON,
FRANK A. LELAND, ESQ.,
HOMER P. LEWIS, ESQ., Superintendent of Worcester Public
Schools,
JOSEPH BEALS, ESQ., Secretary of the School Committee.

The Committee took carriages and repaired to the station, and upon the arrival of the train received Richard Henry Winslow Dwight, President of the Society of the Sons of the Revolution in the Commonwealth of Massachusetts, Walter Gilman Page, Registrar of the General Society, Rev. Edward Hunting Rudd, Chaplain of the State Society, and Harry Young, Esq., of the Board of Managers.

The Committee and guests drove to the English High School Hall, where they were joined by United States Senator, the Hon. George Frisbie Hoar, a life member of the Society, the Hon. Henry A. Marsh, and the Rev. John J. Putnam, a member of the Society and himself the son of a Revolutionary soldier. All of the above named gentlemen occupied seats upon the platform.

The exercises, beginning at 3.30 P. M., were in accordance with the following programme, and the addresses were as follows :

Programme.

“Grand American Fantasia,” *Bendix.*

HIGH SCHOOL ORCHESTRA.

INTRODUCTION by the Presiding Officer,

CHARLES R. JOHNSON, *Chairman of the School Committee.*

ADDRESS OF WELCOME by His Honor,

WALTER H. BLODGET, *Mayor.*

RESPONSE in behalf of the Sons of the Revolution,

RICHARD HENRY WINSLOW DWIGHT, *President.*

CORNET SOLO, “Tramp, Tramp, Tramp,”

Rollinson.

EDWARD S. McGRATH.

PRESENTATION OF PORTRAITS,

EBEN FRANCIS THOMPSON.

RESPONSES IN ACCEPTANCE,

REV. VINCENT E. TOMLINSON,

SUPT. HOMER P. LEWIS,

DR. LOUIS P. DE GRANDPRE.

THE ART OF STUART,

WALTER GILMAN PAGE, *Registrar of the General Society.*

THE CHARACTER OF WASHINGTON,

Address by Senator GEORGE FRISBIE HOAR.

“The American Patrol,”

Meacham.

HIGH SCHOOL ORCHESTRA.

MR. JOHNSON:

Ladies and Gentlemen:—We are met on this historic day, the one hundred and twenty-ninth anniversary of Bunker Hill, to publicly receive and properly acknowledge the valuable gift to the City of Worcester from the Society of the Sons of the Revolution. This beautiful gift is an engraving in commemoration of him who was called, “First in war, first in peace, and first in the hearts of his countrymen;” of whom it was said by his distinguished Virginian eulogist, “He sleeps beneath the shade of the everlasting laurel, which stretches its mighty branches athwart the lapse of ages;” but of whom it may be said, as did Tacitus of Agricola,—In the affections of his people he lives and will live forever.

The official representatives of the Society of the Sons of the Revolution are here present,—and to them and to all a welcome will now be extended by his Honor the Mayor.

I have the pleasure of introducing to you Walter H. Blodget, Mayor of Worcester.

MAYOR BLODGET:

Mr. Chairman, Honored Guests, Sons of the Revolution, Ladies and Gentlemen, Boys and Girls,—for I see there are quite a good many boys and girls here to-day, and I only wish that there were more here. In behalf of the City of Worcester I extend to you a most cordial and hearty welcome to our city. We are glad to have you come here; and we are glad to welcome you coming, as you do, on such a noble errand.

The work which this organization is doing at present is certainly a work which is very commendable. Not only do

we, as men and women, at the present time appreciate, and benefit from these gifts, but our children and our children's children will be better off for the gifts which this Society is making to our city, and to other cities and towns throughout the State.

We are certainly very glad to have these representative men come here, and I know that we all appreciate the gift which they are about to present to us, and we shall certainly be very thankful to them for it, and in behalf of the city I welcome you here.

MR. JOHNSON: It now gives me pleasure to introduce to you the President of the Society of the Sons of the Revolution, Richard Henry Winslow Dwight, whose ancestors in many lines were engaged in our colonial struggles and through the Revolutionary war:—President Dwight, of the Society of the Sons of the Revolution.

MR. DWIGHT:

Mr. Chairman, Ladies and Gentlemen, and Pupils of the Worcester Public Schools:—It is a pleasant duty this afternoon, which the Society of the Sons of the Revolution is permitted to perform.

Our Society was organized not for the purpose of self-glorification but for patriotic work, because our members and officers appreciate that patriotic work has many ramifications, and that our responsibilities to the state and nation, lying along the lines for which our Society was organized, are of abundant proportions.

The ancestors of many of those who are to-day among our foremost citizens came over in the "Mayflower." Many others are descended from those who arrived more

recently. It is also true that those who are likely to carry the burden of our Government in the years to come, are to-day flocking to our shores in the steerage of the "Saxonia" or the "Kaiser Wilhelm."

I recently attended patriotic exercises at the Paul Revere School in Boston, and I presume that conditions there are not unlike those in Worcester, where your great industries employ so much labor. In that school district there are 2,700 pupils, 75% foreign born, 95% children of Russian and Italian parents. Some few years ago in this same section of the city of Boston, the same percentage would have been of German and Irish parentage. Can we not believe that the descendants of our Russian and Italian population are to make splendid citizens, provided the teachers are suitably encouraged through our school committees and patriotic societies?

On the walls of the Paul Revere Kindergarten are pictures of several American patriots, and when, during our visit, the teacher pointed to a picture and asked these children of foreign parents who it was, every hand in the Kindergarten went up, so anxious were the youngsters, now full-fledged Americans, to show that they knew. When the teacher asked a small Hebrew boy, he said, "General Prescott." The next child who caught the teacher's eye was a small Italian girl, who answered the teacher's question as to what General Prescott had once said: "Don't shoot until you see the whites of their eyes."

So the exercises proceeded showing that these small tots were being started aright. I came away tremendously impressed with the good results of the patriotic work done in that school, and feeling optimistic as to our country's future.

The largest undertaking now in progress in Boston, when completed, will have over the door the name of a young man who came to this country penniless.

A Boston pastor, as favorably known for his distinguished ability as for the historical church over which he presides, landed in this country with six cents in his pocket; to-day he is one of Harvard's overseers.

The gentleman who will follow me will express to you the pleasure it gives our Society to join you here to-day, and I leave it for him to fittingly refer to the portrait of our first President, George Washington.

MR. JOHNSON: The next speaker is well known to the citizens of Worcester, a former member of the City Government and of the General Court, and one who has done more, I think, than any other one person to bring about the matter which we celebrate here to-day—the presentation of these portraits. By his untiring zeal, unflagging industry and uniform good humor, he has brought about the gifts which we are to receive on this occasion.

He is of distinguished ancestry, through many lines. His great-great-grandfather, about this time one hundred and twenty-nine years ago, was very busily engaged on the field of Bunker Hill,—that was Sergeant Timothy Thompson, and I have now the honor of introducing to you his descendant, lawyer, scholar, and author, Eben Francis Thompson.

MR. THOMPSON:

Mr. Chairman, Mr. Mayor, Fellow Citizens, Ladies and Gentlemen:—He would be bold indeed who would not be embarrassed by so eloquent an introduction.

The Society of the Sons of the Revolution is to-day your guest. Although we come bearing gifts, we feel sure that our coming occasions no undue apprehension. We have deferred, Mr. Chairman, to your suggestion that our simple gift should be fittingly accompanied by simple exercises; that these portraits which are to speak from the walls of Worcester schoolhouses in the years to come should be presented in a manner in some degree worthy of their subject.

The Sons of the Revolution enrolls in its membership those descended from participants in our great Revolutionary struggle, but its membership, we trust, is not a badge of heredity alone. We are engaged in a friendly and generous rivalry with kindred and sister societies in the work of preserving the memorials of the historic past. And I would like to emphasize at this time the fact that we derive largely, our local inspiration at least, from the work of the women's societies.

We come to-day as in the days of old, when transfers were made and a part delivered in token of the transfer of the whole, and make livery of seizin of this portrait for all that are to adorn the walls of Worcester's schoolhouses.

In this splendid presence, when I consider that on this very platform sits one whom four score years have not bowed, and whose eye glows as with the fires of '76,—the son of a Revolutionary soldier,—I am reminded how close is our connection with the historic past. And when I consider that here, too, is a great publicist, a pilot whose chart has ever been the chart of Jefferson, and whose compass pointing to the pole star of Liberty was ever the compass of Washington,—by official denotement and universal acclaim the first citizen of Massachusetts, and one of the few

of the world's great orators (Applause), I am counselled that I must be brief even if I may not preserve a golden silence.

The character of Washington was too large, too well rounded for ready characterization. It cannot adequately be considered in the time allotted to me. He was disciplined in a school of adversity. His life was filled with peril and adventure. His early service in the years preceding the French and Indian War was amid constant danger in the lonely forest from the attacks of the treacherous red man. In the disastrous campaign of Braddock he underwent the experience which was to steel his fortitude for the trial of the Revolutionary conflict which was to follow. We see him amid the reverses and suffering at Valley Forge and through the long night before the dawn of Yorktown.

That gracious presence was not unknown to Worcester, for on July 1st, 1775, he came to this city on his way to Cambridge to take command of the American Armies,—and also in 1789, when he was met by Worcester citizens at the Leicester hills, on his journey to Cambridge, and rode through our streets, past the spot under the shadow of this very hill where, thirteen years before, the Declaration of Independence was first read in New England.

The city of Worcester is famous as having a greater variety of production than any other city of its size in the world. Its manufactures range from those so small that their inspection involves the use of a microscope to those of such gigantic proportions that they tax modern transportation facilities. The sound of her looms is heard in every land wherever the rising or the setting sun gilds Christian spire or barbaric minaret, and her

wire, like the famous belt of Puck, girdles the globe. With such manifestations of industrial progress shall she not still continue to stand for high ideals of civic righteousness?

These portraits will speak not only to the children of those who have come across the sea, but to us, that we may renew our high ideals.

Accept, then, Mr. Chairman, our simple gift in the spirit in which it is offered, in the hope that it may contribute its small part to the patriotic education of the youth of to-day who are to become the citizens of to-morrow.

MR. JOHNSON: Rev. Vincent E. Tomlinson, one of the most distinguished members of the committee, as he is one of the most eloquent clergymen of the city, will now respond on behalf of the school committee.

MR. TOMLINSON:

Mr. Chairman, Sons of the Revolution:—With a sense of deep gratitude and unalloyed appreciation we receive your noble gift. We recognize that it is as gracious as it is generous. There may be those in our goodly city who have wondered what was the aim of your body, but surely they cannot doubt how high it is and how noble, after this act of yours,—this patriotic and generous act; for by it you have said to the people of this city, and to the people of this Commonwealth—for this is not an exceptional act on your part, but characteristic of what you are doing continually—that your great aim is to perpetuate this nation of ours; that you wish to see that this land which has been bequeathed to us by our fathers,—this good land,—is handed down to those who shall come after us, to be the

same home of peace and prosperity that we have found it; and you have taken a means, it seems to me, most wise to do your part to preserve our nation. Knowing that the influence which is brought to bear upon the youth of the land is the strongest,—that in the formative period of life, impressions can be made that are lasting,—you have chosen this beautiful means of presenting our city over two score of these Gilbert Stuart portraits of the Father of his Country; and I would have you, invited guests and friends, look beyond this room where we are gathered to see the large influence of this gift of yours.

The reception of this gift to-day is representative. Members of the School Board, members of the City Government, members of all the schools, are present here, and in this representative way we receive very gratefully your gift. But we would have you look beyond this room. We would have you see the fifty school buildings, or more, in our city, whose walls will be graced with copies of this portrait which is before us. And we are glad to say to you that in each building where the portrait of President Washington is hung, appropriate exercises will be held; and I think I can speak, in fact, I do speak for the School Board when I say that we invite your co-operation in this further work that lies with us,—that of suitably presenting these portraits to the schools of the city. We invite your help in this work that lies before us. With the opening of the school work in the fall, these gifts will be presented to the various schools and appropriate exercises will be held; and you are to remember, too, that not only those who are of school age now, and who will be influenced by the words that shall be spoken in the presentation of these gifts are to be benefited by your act, but you are to look

further still and see the children of the coming generation, children yet unborn, who, gathering in our schools, will look upon that benign face and receive an inspiration of patriotism and love of country. For it seems to me that if we are to preserve our nation we must cherish those high ideals which have marked our fathers.

Ralph Waldo Emerson spoke these noble words, "What greater calamity can fall upon a nation than loss of reverence? Then all things go to decay. The eye of youth is not lighted by the hope of other worlds, and age is without honor. Society lives in trifles, and when men die we do not mention them."

That our youth may be inspired with reverence, that they may have before them a high ideal of what it is to be an American citizen, you hang these portraits upon the walls of our schoolrooms. Blessing will attend and follow this act of yours. Many and many a life, I make bold to say, will be a better life because of what you have done for our city; and this city of ours, whose record is not a small one in patriotic deeds, responds most gratefully to this act of yours, and in behalf of the people of this city we extend to you our heartiest thanks.

MR. JOHNSON: The gentleman who will follow is triply honored, having had three grandfathers who were in the Revolution. I have the honor at this time to introduce to you the beloved superintendent of Worcester's schools, Homer P. Lewis.

MR. LEWIS:

Mr. Chairman and Gentlemen:—I am afraid that in the interests of history I shall have to correct the impression

which you may have received from my introduction. I only had two grandfathers,—three great-grandfathers in the revolutionary army. (Laughter.)

It falls to me to speak briefly in behalf of the schools of Worcester, and to express our heartiest thanks to you, Sons of the Revolution, for these splendid gifts. They will not only adorn the walls of our schools. They will,—as has been said by one of the speakers,—speak from those walls, and they will speak of patriotism and of public virtue. They will, I hope, remind our children that such societies as yours exist to keep alive the memories, the best memories, of our history. They can convey no better lesson; and they will convey that lesson, I am sure, of duty to country, and of the consideration for the rights of all that may be derived from a study of Washington's life.

“Custom cannot stale the infinite variety” of profit that may come from the study of Washington.

MR. JOHNSON: One of the important factors in the success of the Revolutionary War was the French Alliance. I suppose it is doubtful whether the effort of our fathers would have succeeded had it not been for the intervention of the Court of France; and of all those who came in the company of soldiers from France none was more favored with the acquaintance, the friendship of Washington, than was Lafayette. He was the leader on his side in that great contest. Of his coming our own Emerson has sung:

“Oh, bounteous seas that never fail,
Oh, day remembered yet;
Oh, happy port that spied the sail
That wafted Lafayette.

“Pole-star of Light, in Europe's night,
That never wandered from the right.”

We have with us a member of the School Committee, descended from that distinguished race, and it now gives me pleasure to introduce to you Dr. Louis P. de Grandpre, who will speak to you, as I think they say in the commencement programmes, in *lingua Gallica*.

DR. DE GRANDPRE:

Mr. Chairman, Mr. Mayor, Ladies and Gentlemen:— I deeply appreciate the invitation of Mr. Chairman to speak a few words in French. It is a great favor to me, although it may not be so great a favor to you; but I am sure that a great many of those who are here this afternoon understand French, namely, our esteemed citizens, Mr. Salisbury, Judge Forbes, whom I have had occasion to meet at L'Alliance Français, and Mr. Thompson, whom you have just heard.

I have an idea that Mr. Chairman, in inviting me to speak in French, did so in the interests of peace and harmony, and I will tell you why,—because he knows that whenever I speak in English I have to take issue with Webster or Worcester on the question of pronunciation. Nevertheless, I am very hopeful.

I wish to offer my most sincere thanks for his courtesy and for his homage to France and the French language. I don't know that the French language needs to have any excuses offered in its behalf for being spoken on an occasion such as this, when I consider that General Lafayette, at the different battles of the Revolutionary War, and especially at the battle of Yorktown, used to command his men in French.

A young French officer desiring to enlist in the American Army during the War of the Revolution was asked

by General Washington the usual questions,—“Age?” “Twenty-nine,” said the young officer. “Nationality?” “French.” “Religion?” Then the young officer smilingly replied,—“General, if you ask me of what faith, of what creed I am, I answer that I am of the Catholic faith; but if you ask me of what religion I am, I answer that I am, and so are my men, of the American religion.”

This answer, Ladies and Gentlemen, might apply to all those who inhabit this land of Liberty. Whatever may be our language, whatever may be our creed, our faith,—every one and all are of the same spirit, the same religion, the American religion.

Mesdames et Messieurs:—On me prie de rappeler, en quelques mots, la part prise par la France dans la conquête de l'Indépendance Américaine. Malgré mon incompetence, j'accepte avec plaisir. C'est un hommage qu'on veut rendre à la France et la langue française, parce que c'est en français qu'on m'invite à parler.

De toutes les langues étrangères parlées en ce pays, la langue française est la plus aimée et la plus recherchée.

Si on admire la langue française, ses beautés, ses richesses, sa clarté et ses harmonies, c'est qu'on admire plus encore le peuple de génie qui a écrit dans cette langue les plus grands chefs d'oeuvre de la pensée humaine; les plus grands comme les plus nombreux.

Au—dessus des droits a l'admiration que donnent à la France sa prodigieuse activité intellectuelle et son génie, se placent, pour le peuple américain, les droits qu'elle s'est acquis à sa reconnaissance.

La France a été bonne, elle a été généreuse, elle a été chevaleresque à l'égard des États Unis.

Que vient-on nous parler de raisons d'État, de motifs

d'intérêt? Même la France officielle, représentée par Rochambeau, a été généreuse.

La guerre américaine lui a coûté la somme énorme, à l'époque, de un milliard deux cent millions de francs, soit un peu plus de deux cent millions de dollars. Cette somme, il lui fallut l'emprunter. Les intérêts onéreux de cette nouvelle charge produisirent un déficit considérable qui fut la cause principale de la convocation des États Généraux. Et la convocation des États Généraux, on le sait, amena la chute la royauté. La monarchie française, en donnant naissance à la république américaine, avait hâté le moment de sa mort.

Et la France chevaleresque représentée par Lafayette, obéissait elle à des considérations d'intérêt?

“Mon cœur est enrolé, je suis gagné à la cause américaine,” répondait Lafayette à Franklin lequel, tout en remerciant Lafayette de ses offres de services, se croyait, tenu de lui représenter la condition désespérée où se trouvait l'armée américaine.

“Votre cause est désespérée, dites-vous, c'est précisément le moment de lui venir en aide.” . . . “Mais vous partez sans le consentement du roi. Vous vous exposez à la confiscation de vos biens. Puis nous n'avons pas seulement de vaisseaux à mettre à votre disposition.”

“Qu' à cela ne tienne, j'en frêterai moi-même, à mes propres frais.” . . . “Mais nous n'avons pas d'argent pour la solde de vos soldats.” . . . “Qu'importe, je les paierai moi-même. J'affecte à cette fin la somme de deux cent cinquante mille francs.”

Qu'on me montre dans l'histoire un plus bel exemple de générosité. La vaillante épée de la France, dans l'es-

pace de trois quarts de siècle, a aidé à briser les liens de deux peuples : Du peuple américain à Yorktown, et du peuple italien à Solferino.

Combattre, comme Washington, pour l'indépendance de son pays est admirable, mais plus admirable encore est de combattre, comme Lafayette, pour la seule idée de Justice!

En 1783, se signait à Versailles un traité, le document historique le plus important des temps modernes,—le traité, qui, en reconnaissant l'Indépendance des États-Unis, en faisant naître à la liberté le peuple américain, devait déplacer le centre de gravité du monde. Ce traité fut signé par la France, par l'Angleterre et par les États-Unis. La jeune république avait délégué, pour signer en son nom, trois représentants, puis le président du congrès devait contre signer.

Concitoyens franco américains, ne nous est-il pas permis d'éprouver un sentiment de fierté en retrouvant au bas de ce traité de Versailles que j'appellerai l'acte de naissance de la République Américaine, en retrouvant, dis-je, sur quatre signatures, trois noms français, tous trois petit-fils de Français venus de France à la suite de la révocation de l'édit de Nantes : John Jay, Henry Laurens et Edias Boudinot, le quatrième est celui de l'immortel Benjamin Franklin.

Le souvenir de la France mérite de vivre éternellement dans le cœur des Américains.

On se rappellera toujours qu' à l'époque la plus sombre de la révolution, lorsque les soldats de Washington, écrasés sous le poids des privations, des misères et de la faim voyaient s'évanouir tout espoir de succès, désespéraient de jamais voir se lever à leur horizon l'astre bienfaisant de la

liberté,—on se rappellera toujours qu'alors la France, comme un génie consolateur, apparut sur la scène et mit son épée et son or au service de notre cause, sauvant ainsi de la destruction l'arbre naissant de la liberté sur ce continent. Ça été le malheur de la France quelquefois mais ce sera sa gloire toujours d'avoir distribué ses sympathies son cœur, son sang partout où il y a eu des grandes causes à défendre.

MR. JOHNSON: The gentleman who is to follow is descended from Captain James Page, of the 4th Massachusetts Regiment in the Revolutionary Army. He is descended by four lines of descent from Revolutionary families. He is an artist of reputation,—known throughout the country, and I have great pleasure in introducing to you Walter Gilman Page, Registrar of the General Society of the Sons of the Revolution.

MR. PAGE:

Mr. Chairman, Mr. Mayor, Ladies and Gentlemen, Pupils of the Worcester Schools:—It gives me great pleasure to be present this afternoon to represent our National Society and to speak a brief word for Gilbert Stuart, one of the greatest of portrait painters, and certainly the greatest portrait painter born on this soil.

As Americans, we shall ever be proud of our Washington; we shall ever be grateful. We shall, also, though in a lesser degree, be grateful for the man who, through his genius, perpetuated the features of our first President, not only for us, but for generations yet to come.

There are altogether thirty known portraits of Washington, covering a period of twenty-six years. As early

as May 15, 1785, Washington wrote as follows: "I am so inured to the touches of the painter's pencil that I am now altogether at their beck, and sit like Patience on a monument whilst they are delineating the lines of my face. It is a proof of what habit and custom can effect. At first, I was as impatient at the request and at the results of the operation as could well be imagined. The next time, I consented very reluctantly. Now, no dray moves more readily to the thills than I do to the painter's chair."

Gilbert Stuart was born in Narragansett, Rhode Island, in 1755, and died in Boston in 1828. He had the usual difficulties of the embryo artist up to the time he was fifteen years of age. About the year 1770, he became acquainted with a certain Cosmo Alexander, who came over to this country from London to spend a few months here, and on his return he took Stuart with him. Shortly after his return, Mr. Alexander died, and Stuart was obliged to return to America, as he was not sufficiently advanced in his profession to make his own way. He was fortunate enough upon his return to obtain some commissions and had fair success; so much so that we find him once more, in three years, sailing for England,—leaving Boston about ten days before the Battle of Bunker Hill. He entered the studio of Benjamin West, at that time President of the Royal Academy, and also an American, as you know,—and from this date he began to reap fame and fortune, soon taking a place nearly equal to the best artists of his day; and there is no doubt that if he had remained in England he would have attained the highest rank among the artists of that country.

Shortly after the close of the War of the Revolution, Stuart returned to America, and in this connection I should

like to quote from what another American artist, Washington Allston, wrote, shortly after Stuart's death: "But admired and patronized as he was, he chose to return to his native country. He was impelled to this step, as he often declared, by the desire to give to America a faithful portrait of Washington, and thus, in some measure, to associate his own with the name of the Father of his Country." We see that his ambition was justified in the sublime head which he has left to us.

Gilbert Stuart was not only one of the first painters of his time, but must have been admitted by all who had the opportunity of knowing him to have been, whatever his art, an extraordinary man,—one who would have found distinction in any profession or walk of life. His mind was of a strong and original cast; his perceptions as clear as they were just, and in the power of illustration he has rarely been equalled. On almost every subject, more especially on such as were connected with his art, his conversation was marked by wisdom and knowledge,—while the uncommon precision and elegance of his language seemed even to receive an additional grace from his manner, which was that of the well-bred gentleman. Narrations and anecdotes with which his knowledge of men of the world had stored his memory, and which he often gave with great beauty and dramatic effect, were not infrequently employed by Mr. Stuart in a way and with an address peculiar to himself. From this store it was his custom to draw largely while occupied with his sitters, apparently for their amusement, but really for the purpose of calling to the surface some trace of the natural character. But these glimpses of character, mixed as they are in all respects with so much that belongs to every age and zone,

would be of little use to the ordinary observer,—for the faculty of distinguishing between the responsive and permanent—in other words, between the conventional expression which lies very close to the special indication of the individual mind is indeed no common one; and by no one with whom we are acquainted was this faculty possessed in so marked a degree.

It was this which enabled him to animate his canvas, not with the appearance of mere general life, but with that peculiar life which separates the humblest individual from his kind. Were other evidence wanting, this evidence alone would establish his position as a man of genius, in that it is the privilege of genius, alas, to measure happiness the highest and the lowest. In his art there has no one ever surpassed him in embodying, if we may so speak, these transient apparitions of the soul. In a word, Gilbert Stuart was, in its widest sense, a philosopher in his art. He really understood its principles, as his works bear witness,—whether as to lines and colors or lights and shadows,—showing that sense of perception of the whole which stamps the man of genius. He never allowed the miscellaneous troubles of his life to tinge his work with the least shadow of jealousy, and where praise was due he gave it freely, and with a generosity that showed he had a pleasure in praising. To the younger artists he was uniformly kind and indulgent, and most liberal of his advice, which no one ever properly asked but that he received it in a manner no less courteous than impressive.

He first met his illustrious subject at an evening reception, and accustomed as Stuart was to eminent men, he often said that no living man ever inspired such a feeling of reverence; and it was not until he had had several inter-

views that he was able to feel that he could give the requisite concentration of mind to his work.

At this time he received a very flattering commission from the city of Halifax to paint the portrait of the Duke of Kent, father of Queen Victoria, and a ship of war was placed at his disposal to convey him to Halifax, but he declined this honor.

Stuart painted his portrait of Washington in Philadelphia in a house which is still standing on the corner of Fifth and Chestnut streets. The original portrait from which this reproduction is taken is not finished. So far as the face is concerned, it is. The reproduction does not show as much as the original canvas. The reason for this portrait not having been finished was that Stuart, after he had completed the head, found that making replicas, or copies, was a great source of income to him. Washington willingly consented to accept a copy in place of this portrait. Stuart also had a strong desire to retain the original that he might leave it to his family upon his death. After Stuart's death, the original portrait was sold by his widow to a number of gentlemen, who, in turn, presented it to the Boston Athenæum,—hence it has attained the designation of the Athenæum portrait of Washington.

In concluding, no better word has been said for this portrait than what has been said by Washington Allston, that "A nobler personification of wisdom and goodness, reposing in the majesty of a serene countenance, is not to be found on canvas."

MR. JOHNSON:—There is one part not on the programme which I think you are all waiting for and would be glad to hear. Mr. Thompson has most eloquently

alluded to a son of the Revolution here present. We have with us an eminent son of the Revolution,—a descendant of two signers of the Declaration of Independence,—our own distinguished fellow townsman, Senator Hoar, descendant of Samuel Adams and of Roger Sherman; we all desire to hear him, I am sure.

MR. HOAR:

Mr. President, I am very much obliged to you for your kind introduction, but I am not entitled to claim any share in the light of Samuel Adams. (Laughter.)

I did what almost everybody who is stationed here to-day did in the time of the Revolutionary War. I put in all the grandfathers I had (Applause), and one of them to whom your Chairman has alluded signed the Declaration of Independence and was on the committee that brought it in; and the other was at Concord Bridge before sunrise on the nineteenth of April, with his father and his father-in-law and two brothers-in-law under his command in the company of which he was lieutenant. And my mother had three brothers who were majors or captains in the Revolutionary War. One of them commanded a Connecticut regiment at the storming of Stony Point. So the traditions of my household are satisfactory, and I think I am a member of the Sons of the Revolution by a fair hereditary title,—but I ought to say in all fairness that nearly every Massachusetts man, every New England man of Revolutionary descent, can tell about as good a story. If I go down to Middlesex and begin to brag about my ancestors, there is always some gentleman sitting on the right hand or the left who trumps my trick every time. But I

have one title, perhaps, which I may mention on this occasion which will be hard to match, and that is that my mother sat in George Washington's lap when she was a little girl; and if there are any of you who have a kinswoman who sat on a more costly or precious throne than that, you may be delighted to show your title.

The General, on his journey in 1789, was a guest at my grandfather's house in New Haven, and, as I said, my mother, who was a little girl six years old, sat in his lap, and remembered until she was eighty-three, when she died, the whole circumstance and detail of the occasion as if it had been the day before. Perhaps one story connected with that visit may be worth telling. My mother had a little sister who was eleven years old, and who of course was dressed in her best for the occasion, and when the General went out, my grandfather stood talking in the front entry with him, and this little girl opened the door. General Washington was very fond of children and like all good and sensible men he liked little girls much the better (Laughter), and he put his hand on her head and said, "My little lady, I wish you a better office." She dropped a courtesy and answered as quick as lightning, "Yes sir, to let you in."

Now, as has well been said by the speakers who have preceded me, these pictures of General Washington are to speak to you boys and girls for many a year to come. What is it that they are to say? The living speaker says what he thinks of to say; but these pictured lips will say to you a good deal that they will reflect through you. It will depend upon you what lesson you get from looking at the picture of George Washington. But there is one thing you want to be sure, all of you, to think of and to

know: George Washington by the common consent of all mankind was the greatest and best man who ever lived on this earth who was a ruler of the people. Englishmen and Germans and Frenchmen all agree with his own countrymen in that estimate of him. As the old monk said of King Alfred, "He is among the rulers of mankind better than any of the past ones and greater than any that are to come." The old world knew not his peer, and the new world will never give us his equal. And yet there is not a single thing about George Washington that is uncommon, except his absolute goodness. He was not a man of genius. He was not a poet or an enthusiast or an orator or an inventor. He was a good general, but he was not a Napoleon nor a Julius Cæsar nor a Hannibal. It was simple, every-day, common-place, corner-stone virtue; the virtues that make the happiness and the safety of every house: the virtues that you like to think of in your father and mother and sister and brother,—the commonest virtues of common human nature, that made George Washington; prudence and patience and veracity. He not only could not tell a lie, but he could not think a lie or act a lie or conceal a lie. He said, himself, in his old age that he never had broken his word to anybody in his life, and it was true. He was patient under the little and the great troubles of life. He was faithful, and that is what made George Washington. As one of the speakers told you, he schooled himself to submit to what I think is perhaps the most trying ordeal that most men have to submit to in public life,—that is, having his portrait painted. Why, Walter Scott, who used to have his portrait painted so frequently, says in his diary, that he schooled himself to stand it pretty well, but that his dog Camp, who was a favorite and a very in-

telligent dog, when he saw an artist coming up the avenue with an easel,—the dog used to be painted with Sir Walter,—would put his tail between his legs and scud off and not come back for a fortnight (Laughter). Now that is what has made George Washington the hero not only of America but of mankind, because he is the most perfect example known to humanity of what every man, woman and child can be.

You ask people what they think made up the character of George Washington, and every man and woman will answer the character that he or she has been in the habit of finding most agreeable to encounter in his or her life. I heard of a very worthy old lady in rather straitened circumstances some years ago, and somebody living in a country town asked her what sort of person she thought General Washington was. "Well," said she, "I suppose he was a person who would have been willing to lend a neighbor anything he had that she wanted to borrow." (Laughter.)

Professor Gallaudet, a good friend of mine in Washington, the head of a great college there for the deaf and dumb, told me a touching story which illustrates what I have been showing. He had a little boy among his pupils,—a little fellow born deaf and dumb, five or six years old. He was very bright and precocious and the Professor was very fond of him, and he was very fond of Dr. Gallaudet, and they used to like to talk together; one day they were talking, and he asked the little boy if he knew the story of General Washington and the hatchet, and the little fellow said he did,—telling it off with his fingers. "Well," said my friend when he told it to me, "so the little chap began to tell the story, and when he got to the right place

in the story he said, 'and he took the hatchet in his left hand and he said to his father'—the Professor interrupted him,—“What did he take the hatchet in his left hand for?”

“Why, he wanted his right to tell him with!” The poor little fellow thought, of course, that General Washington was deaf and dumb. I might, I suppose, spend a week in talking over General Washington, but I will not any further impair the exquisite success of this occasion. It is one of the most beautiful and successful occasions I ever knew,—and the occasion owes its beauty and its success to this,—that there have been eight speakers, every one of them within the time assigned, and every one of them making such a speech that all the audience wished it were longer; and when our excellent friend, our French physician, finished his, I think we all of us wanted to say, “Oui, Monsieur, tres bon, encore.”

At the conclusion of the exercises, carriages were taken for the Worcester Club where the officers of the Society and the Special Committees were entertained as guests by a few members of the Society of Sons of the Revolution.

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